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**JOURNAL**

OF

**THE SENATE**

OF

**THE STATE OF INDIANA,**

DURING THE

**TWENTY-FIRST SESSION**

OF THE

**GENERAL ASSEMBLY,**

COMMENCED AT INDIANAPOLIS

ON MONDAY THE FIFTH DAY OF DECEMBER, 1836.

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**INDIANAPOLIS.**

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**1836.**

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INDIANA STATE LIBRARY

# SENATE

OF

## THE STATE OF INDIANA.

*The Twenty-first Session of the General Assembly of the State of Indiana, convened on Monday the fifth day of December, 1836, at Indianapolis, in the county of Marion, in conformity to the Constitution and Laws of the State; on which day, at ten o'clock A. M., the Senate assembled.*

### PRESENT,

The Hon. David Wallace, Lieutenant Governor of the State, and President of the Senate. who having taken his seat, directed a call of the Members, when the following Senators answered to their names, viz:

*From the counties of Vigo, Sullivan, and Clay—George Boon.*

*From the county of Parke—Austin M. Puett;*

*From the county of Tippecanoe—Othniel L. Clark;*

*From the county of Montgomery—John Beard;*

*From the county of Fountain—John Hamilton;*

*From the counties of Gibson, Pike, and Dubois—Thomas C. Stewart;*

*From the county of Orange—Samuel Chambers;*

*From the county of Marion—Henry Brady;*

*From the counties of Hancock and Madison—Thomas Bell;*

*From the county of Rush—Amaziah Morgan;*

*From the county of Franklin—James Conwell;*

*From the county of Decatur—William Fowler;*

*From the county of Switzerland—John Dumont;*

*From the county of Clark—David W. Daily;*

*From the county of Jefferson—David Hillis;*

*From the county of Washington—Henry W. Hackett;*

*From the county of Wayne—William Elliott.*

The following gentlemen elected Senators since the last General Assembly, appeared, who, having produced their credentials and taken the oath prescribed by the constitution, took their seats, viz:

*From the counties of Knox, Daviess, and Martin—Thomas C. Moore;*

*From the county of Lawrence—Richard W. Thompson;*

*From the counties of Green and Owen—David M. Dobson;*

*From the county of Putnam—Daniel Sigler;*

*From the counties of Vermillion, Warren, and all that part of Jasper county which lies south of the line dividing township twenty-four and twenty-five—Simon Terman;*

*From the counties of Clinton and Carroll—Samuel Milroy;*

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*From the county of Harrison*--David G. Mitchell;  
*From the counties of Perry, Spencer, and Crawford*--George B. Thompson;  
*From the counties of Posey, Vanderburgh, and Warrick*--William Casey;  
*From the county of Monroe*--Paris C. Dunning;  
*From the county of Johnson*--John S. Thompson;  
*From the county of Morgan*--Grant Stafford;  
*From the county of Hendricks*--Alexander Little;  
*From the county of Shelby*--John Walker;  
*From the counties of Hamilton and Boon*--Bicknell Cole;  
*From the counties of Cass, Miami, and Fulton*--George W. Ewing;  
*From the counties of Wabash, Jay, Huntington, and Grant*--Ezra S. Trask;  
*From the counties of Delaware and Randolph*--Andrew Kennedy;  
*From the county of Henry*--Thomas R. Stanford;  
*From the counties of Fayette and Union*--Newton Claypool;  
*From the counties of St. Joseph, Marshall, Kosciusko, and Starke*--Jonathan A. Liston;  
*From the counties of Bartholomew and Jennings*--John Vawter;  
*From the counties of La Porte, Porter, Newton, White, Pulaski, and part of Jasper*--Gustavus A. Everts;  
*From the county of Ripley*--Thomas Smith;  
*From the county of Scott and Jackson*--Isaac Hoagland;  
*From the county of Wayne*--Abner M. Bradbury;  
*From the county of Floyd*--James Collins;  
*From the counties of Elkhart, Lagrange, Stuben, De Calb, and Noble*--George Crawford.

In pursuance with the annunciation of the President of the Senate, proceeded to the election of a Principal Secretary, Messrs. Hillis and Daily acting as Tellers, and upon counting the vote it appeared that Charles H. Test was duly elected on the first ballot, he having received twenty-three votes, William C. Foster nine votes, and Alexander F. Morrison twelve votes; and he was thereupon sworn into office.

The Senate then proceeded to the election of an Assistant Secretary, Messrs. Clarke and Daily acting as Tellers, when, upon counting the votes, it appeared that Ebenezer Dumont was duly elected upon the fourth ballot, he having received twenty-four votes; Hugh O'Neal fourteen votes, Campbell Hay six votes, and scattering one vote; and he was thereupon sworn into office.

The Senate then proceeded to the election of an Enrolling Secretary, Messrs. Sigler and Casey acting as Tellers, when, on counting the votes, it appeared on the first ballot that Hudson Parke was duly elected, he having received twenty-eight votes; B. C. Hanna sixteen votes, scattering one vote, and was accordingly sworn into office.

The Senate then proceeded to the election of a Doorkeeper; when it appeared that Oliver Morse was elected on the first ballot, he having received twenty-two votes, Earl Read nine votes, scattering five votes; upon which he was sworn into office.

The Senate then proceeded to the election of a Sergeant-at-Arms, Messrs. Bell and Chambers acting as Tellers; when, upon the third ballot, it appeared that G. W. Moore was duly elected, he having received twenty-three votes, John B. Nowland eight votes, Mr. Elder eleven votes, scattering three votes, and he was accordingly sworn into office.

On motion of Mr. Hillis, the following resolution was adopted:

*Resolved*, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Charles H. Test Principal Secretary, Ebenezer Dumont Assistant Secretary, Hudson Parke Enrolling Secretary, G. W. Moore, Sergeant-at-Arms, and Oliver Morse, Doorkeeper, and that they are ready to proceed to legislative business.

*Ordered*, That the Secretary communicate the same to the House of Representatives.

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of Mr. Daily, the following resolution was adopted:

*Resolved*, That the joint rules which were in force for the government of the last General Assembly be adopted by the Senate as the rules of the joint action for the present session, and that the House of Representatives be informed of the adoption of said joint rules.

Mr. Vawter proposed for adoption the following resolution:

*Resolved*, That in all cases, where a Senator has been returned as duly elected from a district in which a former Senator lived, said District shall be considered as an old District, and all others as new Districts.

Mr. Bradbury moved to amend said resolution, by adding the following:

*Provided*, That the newly elected Senator from the county of Wayne be considered as from a new district and classed accordingly.

On motion of Mr. Hillis,

*Ordered*, That said resolution and proposed amendment lie on the table.

On motion of Mr. Boon,

*Resolved*, That the Editors of the Indiana Journal, Democrat, Wabash Courier, and Indiana Farmer be permitted to occupy seats on the floor of the Senate, for the purpose of reporting the proceedings thereof.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate



that the House of Representatives have convened, formed a quorum, elected Caleb B. Smith Speaker, Jehu T. Elliott Principal Clerk, George P. R. Wilson Assistant Clerk, Samuel J. Stewart Enrolling Clerk, William Puett Sergeant-at-Arms, and James Fisler Door-Keeper, and that they are ready to proceed to Legislative business.

Mr. Thompson of Perry, offered the following resolution:

*Resolved*, That the Sergeant-at-Arms contract with the Editors of the Indiana Journal, Indiana Democrat, and Indiana Farmer, to furnish each member of the Senate with five copies of each of their respective papers as often as they are published during the present session of the General Assembly, for public distribution.

Mr. Vawter proposed to amend said resolution, by adding the following:

At a price not to exceed the ordinary price of publication to subscribers;

Which said amendment was accepted by Mr. Thompson of Perry, as part of said resolution.

On motion of Mr. Brady,

Said resolution was so amended as to include the President of the Senate.

Mr. Sigler moved to lay said resolution on the table, but it was decided in the negative.

Mr. Conwell proposed to amend said resolution, by adding the following:

*Provided*, That said papers be exclusively filled with the proceedings of this session of the General Assembly;

Which said proposed amendment was not adopted.

Mr. Hoagland proposed to amend said resolution by striking out all from the resolving clause, and inserting the following:

That the Sergeant-at-Arms contract with the Editors of the Indiana Journal, Democrat, and Indiana Farmer, to publish the proceedings of the Legislature twice a week during the present session, in a paper suitable in size thereto, and deliver five copies thereof to each member of the Senate as they are published, at a price not exceeding the price they print other papers, taking into consideration the size thereof, the said paper to contain nothing but Legislative proceedings;

Which amendment was not adopted. And,

On the question whether the said resolution as amended, should be adopted,

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Bradbury, Brady, Casey, Chambers, Clark, Collins, Crawford, Dobson, Dumont, Dunning, Elliott, Everts, Ewing, Hackett, Liston, Milroy, Stanford, Terman, Thompson of P., Thompson of L., Trask and Vawter—24.

*And those who voted in the negative are,*

Messrs. Beard, Claypool, Cole, Conwell, Daily, Fowler, Hamilton,

Hillis, Hoagland, Kennedy, Little, Mitchell, Moore, Morgan, Puett, Sigler, Smith, Stafford, Stewart, Thompson of J. and Walker—21.

And so said resolution was adopted.

A message was received from the House of Representatives, by Mr. Elliott, their clerk, informing them that the House of Representatives had resolved, (the Senate concurring) to invite the Rev. Mr. McKennon to open the session of the General Assembly by prayer, and that Mr. Evans was appointed a committee on the part of the House to wait on the Rev. Mr. McKennon and inform him of this resolution.

On motion of Mr. Vawter,

*Resolved*, That the Senate reciprocate the resolution of the House of Representatives in relation to the opening the General Assembly by solemn prayer, and that be appointed a committee on the part of the Senate.

On motion of Mr. Thompson of L.,

The blank was filled by the name of Mr. Vawter.

Mr. Vawter made the following report:

Mr. PRESIDENT—

The joint committee on that subject report that they have waited on the Rev. Mr. McKennon, and in pursuance of the request of the committee, he will attend instanter in the Hall of the House of Representatives to open the present session of the General Assembly by solemn prayer.

The Senate then repaired to the House of Representatives, and the Rev. Mr. McKennon addressed the throne of Grace.

After which the Senate returned to their chamber; and,

On motion,

The Senate adjourned.

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TUESDAY, DECEMBER 6, 1836.

Senate assembled.

David H. Colerick, the senator from Allen, Wells, and Adams, appeared and took his seat.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk.

*Resolved*, That a committee of two on the part of the House be appointed to act with a similar committee to be appointed on the part of the Senate, to wait on his Excellency, the Governor, and inform him that the two Houses of the General Assembly have convened, elected their officers, and are ready to receive any communication he may be

pleased to make to them, and to ascertain of him at what time he will make such communication.

Messrs. Ferguson and Macey were appointed that committee on the part of the House of Representatives.

Which resolution was reciprocated by the Senate, on the motion of Mr. Sigler; and Mr. Sigler and Mr. Thompson, of Lawrence, were appointed said committee on the part of the Senate.

On the motion of Mr. Vawter, lots were cast by the new Senators elected from the newly formed districts created by the act of 1835, and were attached to the following classes, viz:

Messrs. Collins, Everts, Ewing, Liston and Milroy, to the first class.

Messrs. Bradbury, Dobson, Smith, Stafford and Thompson, of Lawrence, to the second class.

Messrs. Cole, Crawford, Stanford, Thompson of Johnson, Trask and Walker, to the third class; whose terms of service will consequently expire in one, two, and three years respectively from the date of their election, agreeably to the foregoing order of annunciation.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution:

*Resolved*, That if the Senate concur, this House will, on Thursday next, at 10 o'clock, A. M., proceed to the election of a United States Senator, in place of the Hon. William Hendricks, whose term of service will expire on the 3d of March next, and that Mr. Evans is appointed teller on the part of the House.

The House of Representative have passed engrossed bills of the following titles, to-wit:

No. 1—An act to authorize a special session of the Vermillion Circuit Court.

No. 2—An act to authorize the Johnson Circuit Court to hold a special session.

In which bills the concurrence of the Senate is requested.

The bill to authorize a special session of the Vermillion Circuit Court was read a first time.

On motion of Mr. Boon,

The rules of the Senate were dispensed with, and the Bill read a second time; when

Mr. Puett moved to amend the same, by inserting the following at the foot of the first section:

*"Provided*, That said prisoners are ready for trial."

Which amendment was agreed to, and

On motion of Mr. Sigler,

The rules of the Senate were dispensed with further, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof, and their concurrence requested to the amendment aforesaid.

The Bill authorizing the Johnson Circuit Court to hold a special session was read a first time.

On motion of Mr. Daily,

The rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Smith,

The rules of the Senate were further dispensed with, and the bill read a third time and passed.

*Ordered*, That the House of Representatives be informed thereof.

Mr. Vawter then proposed the following resolution:

*Resolved*, That the Senate reciprocate the resolution of the House of Representatives fixing on Thursday next, at 10 o'clock, A. M., for going into an election of United States' Senator to fill the place of the Hon. William Hendricks, whose term of service will expire on the 3d day of March next, and that the House of Representatives be informed of the adoption of this resolution.

Mr. Thompson, of Lawrence,

Moved to lay said resolution on the table, which motion was decided in the negative.

Mr. Sigler moved to postpone said resolution until the third Thursday of December next, which was also decided in the negative.

And upon recurring to the original resolution to concur it was adopted.

Whereupon Mr. Vawter was appointed teller on the part of the Senate.

And upon recurring to the original resolution to concur, it was adopted.

Mr. Milroy proposed the following:

*Resolved*, That the President of the Senate be requested to invite the Hon. Christopher Harrison, the first Lieutenant Governor of the state of Indiana, who is now present, to a seat within the bar of the Senate.

Which motion was adopted by consent.

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate convened.

Mr. Plummer, of Dearborn, appeared and took his seat.

The following message was received from the House of Representatives by Mr. Elliott, their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Sen-

ate that they have adopted the following resolution:

*Resolved*, That the Senate be invited to attend instanter in the House of Representatives for the purpose of hearing the Message of his Excellency, the Governor, delivered to both Houses of the General Assembly, and that seats be provided for them on the right of the Speaker's chair.

On the reception of which the Senate proceeded, on the motion of Mr. Dunning, to the House of Representatives, where the following Message was read by Mr. Pratt, the Governor's Private Secretary.

#### GENTLEMEN OF THE SENATE, AND

#### OF THE HOUSE OF REPRESENTATIVES:

The duties imposed by our respective situations have summoned us to the capitol, at the time appointed by law, for the transaction of business connected with the public interests; and we have reason to rejoice that with the close of the seasons and of the year, our state and our citizens are left in the enjoyment of all the blessings attendant upon a free government and an industrious prudent people. Labor and its products have been liberally rewarded; the soil has yielded its fruits in profusion; enterprise of every description has been fully compensated; the additions to our population have been unequalled; capital has been flowing in from every quarter; and whilst in the midst of an abundant prosperity, a degree of health hitherto unknown has pervaded the state. For all these our grateful acknowledgements are due to a munificent and *Divine Hand*.

The law changing the mode of obtaining supplies for the Treasury postponed the time for making a report of the assessments to the Auditor to the month of December, which precludes the Governor and Executive Officers from making you acquainted with its effects upon the revenue, or of presenting you with a prospective view of the state of the Treasury. It is supposed, however, that there will be a small increase of the nett proceeds compared with last year, and that the Treasury will be prepared to meet the ordinary demands upon it the ensuing year. The balance on hand at the date of the last report of the Treasurer, and the receipts from all sources the present year amount to, \$123,404 59. The payments made for the same time, including about \$5,000 on account of the State House, under the act of last session, amount to \$132,364 14, which leaves a balance of \$8,959, 55, beyond the available means of the Treasury. Two years ago the Treasurer was authorized by law, to make a small loan to meet the remaining liabilities of the state for building and furnishing the State House. The claims intended to be provided for by the loan, were subsequently paid by the application of other funds in the hands of the Treasurer without resorting to the loan, and it is to this cause, in part, that may be ascribed the deficit exhibited in the report he will soon make.

Immediately following your adjournment of the last session, the 7th of the ensuing month, March, was designated as the day for the first meeting of the State Board of Internal Improvement; at which time, its members convened, complied with all the requisites and formalities

of the law in its organization, and entered upon the discharge of its numerous and responsible duties. Fully sensible of the magnitude of the interests committed to its charge, and of the responsibility incurred by so large an expenditure on objects of deep interest to the state, the Board, after a free interchange of views and mature deliberation, decided upon its plans and determined upon the measures to be pursued for their execution. Having assigned to each member the direction and superintendence of a portion of the work, the next duty to be performed preparatory to an enlarged sphere of active service was that of procuring the requisite number of Engineers. Before the whole force required could be organized it was found necessary to send to the eastern states; for which purpose the Chief Engineer on Canals, Mr. Williams, Gen. Clendenin of the Board, visited several of the states, but returned without engaging an Engineer in chief for our roads and rail-ways, and without the desired number for the subordinate stations. This failure produced some delay in sending the necessary force to the field, which imposed an additional amount of labor upon the Engineer in chief and upon several of the commissioners: but by perseverance on their part, nearly all the work was accomplished in conformity with the directions of the Board. A brief outline of the result of their labors I will now endeavor to lay before you.

The operations on the Wabash and Erie Canal have been steadily and energetically progressing. The navigation of the middle division from Fort Wayne to Huntington has been uninterrupted, and the severe tests to which it has been subjected by the frequent freshets of the summer and autumn give satisfactory evidence of the skill and faithfulness of the officers and contractors entrusted with the work. Of the line between Huntington and Lafontain's creek, sixteen miles have been filled with water and made ready for navigation, and the remaining twenty miles are completed with the exception of a portion of the locks, which have been delayed by an unlooked for difficulty in procuring stone of an approved quality. From Lafontain's creek to Georgetown reasonable progress has been made and several sections have been completed and received. Contracts have been recently extended from Georgetown to Lafayette embracing a distance of forty miles, and it is supposed in two years from this time the whole route from the east line of the state to the latter point may be ready for navigation, if the progress of Ohio in the construction of her part of the work should be such as to meet our just and reasonable expectations, of which we have no ground to entertain a doubt. Mr. Williams, our Chief Engineer, has been directed by the Board of Internal Improvement to confer with the proper authorities of Ohio and adjust any matters necessary on the final location of the line at the crossing point between Ohio and Indiana, and when he shall have accomplished the object, and when the progress on the part of Ohio shall warrant it, that part of the work from Fort Wayne to the Ohio line will be placed under contract as contemplated by law.

About thirty miles of the White Water Canal extending from Lawrenceburgh through the fertile valley of White Water to Brookville were placed under contract on the 13th September last at safe prices,

and many of the contractors have already commenced operations. From the large amount of surplus produce exported from that densely populated district, the investment there will yield something for the Treasury so soon as the navigation is open.

The joint resolution of Ohio granting to this state the privilege to construct that part of the line passing through her territory, required of us such a location as would afford facilities for extending a branch to the city of Cincinnati. This requirement has been regarded in the final location, and it is believed the whole matter is now satisfactorily arranged in a manner mutually beneficial to both states. That resolution I now lay before you.

Twenty-three miles of the Central Canal in the vicinity of, and passing through the seat of Government, have been placed under contract at a rate but little beyond the estimates of the Engineer, and the work in a very spirited manner has been commenced by the undertakers. The income to be derived from the extensive water power to be employed here, the opening of a conveyance for stone and other materials and the active commerce centering at this point, will soon make it a productive investment for the state.

In addition to the portion named, about twenty miles of the southern division, extending from the town of Evansville into the interior, have also been contracted for, and at prices varying but little from the supposed cost as reported by the Engineer. This part of the work terminating at Evansville on the Ohio, that being the landing place and point of sales and purchases for the interior, will soon bring something in return.

On the line of the Cross-Cut Canal from Terre-Haute to the intersection of the Central Canal, near the mouth of Eel river, a commencement has also been made of all the heavy sections that will require the greatest length of time for completion. Several considerations influenced the Board in making a beginning along this line. It is the most easy, short, and natural connexion to command the trade of the Wabash in low water, and make it subservient to the Central Canal. Besides this, it opens an avenue to the fine quarries and coal mines along Eel and White rivers, and furnishes a new field for enterprise in the rich mineral districts hitherto unnoticed in Clay, Owen, and Green counties.

It has been ascertained from an examination made at the most depressed stage of the stream, that Eel river will afford an abundant supply of water, and it is expected the expense of a reservoir, on that route, can now be obviated.

Early last spring a party of Engineers was organized and directed to examine into the practicability of the contemplated Michigan and Erie canal line. Levels were run across the several summits, and thence to the streams relied upon to supply them with water, and the result of the examination affords satisfactory evidence for the belief, that a canal may be constructed at a most reasonable cost, from Fort Wayne, keeping within our territory, and passing through the valley of the Elkhart, the Big St. Joseph, and Kankakee, terminating at Michigan City, and offering to that important district of country the facili-



ties for transportation which its richness in mineral, as well as agricultural products, seems to require. And from the formation of the country around the south end of Lake Michigan, it is supposed the canal may be extended, when the states interested deem it proper, so as to unite with the Illinois and Michigan canal, thus affording to the Illinois valley, the Upper Mississippi, and the country bordering on Lake Michigan, a direct communication with Lake Erie, which will be found more safe and advantageous than the present circuitous route through the high northern latitude of Lake Huron. From this view of the subject it will be seen that the Michigan and Erie canal, besides its importance to the state has strong claims to the character of a national work. From the great supply of water at the summits it will be found easy for a company or for the state, at a future period, to connect it with the Wabash canal at several points from the mouth of Tippecanoe up.

Soon after the meeting of the first session of the Board of Internal Improvement, a party of engineers was fitted out, and entered upon the field service, on the Madison and Lafayette Rail Road. To overcome the ascent of high ground bordering the Ohio river in the rear of Madison, at an approved grade, difficulties were presented at the first view, that required time and labor to obviate, but in the selection of the line finally adopted, they were surmounted, and a better line has been determined upon than was supposed could be obtained. At the September letting, contracts were made extending from Madison to Vernon at acceptable prices, and the work is and will be during the winter prosecuted with energy. The heavy transactions in produce and articles for consumption for the back country, and the large amount of travel from various points through Madison will require such increased facilities that the Board of Internal Improvement, will, no doubt, direct such progress as will be prudent.

That the farms and other improvements may conform to it, that part of the line not heretofore surveyed, between the seat of Government and Crawfordsville, ought soon to be established, and a commencement should be made at the latter point, in time to terminate and meet the canal at Lafayette, which will, do doubt, receive the timely attention of the Board.

Upon the New Albany and Vincennes road, the Commissioner was so fortunate as to avail himself of the services of a competent Engineer in season for the examinations required on that line, and its permanent location was effected in time for the letting to be made by order of the board, in October, at which contracts for grading and bridging were entered into, embracing the line from New Albany to Paoli, about forty miles, the cost of which is but little above the computation of the engineer. In the course of the coming year, that part of the work will be prepared for the reception of the metal or covering of stone, and in a few years the entire distance between New Albany and Vincennes may be so improved as to afford the facilities so needed by the heavy business in exports at those points.

Owing to the previous professional engagements of Mr. Fontleroy, the resident Engineer in surveying the Princeton and Mount Vernon

road, the commissioner did not commence the re-survey of the New Albany and Crawfordsville line, as directed by law, until the second week in July. Between that time and the period of the meeting of the Board, on the first Monday in October, the examinations were pushed to the crossing of the West branch of White river—a report of which was laid before the Board. The examinations not having been carried through to Crawfordsville, the terminating point, it was deemed the most prudential course to give time for the further progress of the survey, and to afford the opportunity of a joint examination and conference between the resident and Mr. Pettit, principal engineers: and, therefore, the Board deferred a decision whether it should be a Railway or McAdamized road. In the mean time the Board directed that contracts for grading and bridging the line, suited to the construction of either work, should be made, including that part from Jeffersonville to New Albany, and early next season an additional and more liberal amount of work will be put under contract.

Upon the issue of the enterprize in which we are now engaged, our state has staked her fortunes. She has assumed a great responsibility, but one that is full of hope and of promise, and one that can secure for us lasting and imperishable blessings. It has not been fastened upon her by surprise, nor imposed upon the people as the hasty offspring of over zealous public agents. It was openly discussed for two years, made the turning point in our elections, and as public sentiment demanded it, with full knowledge of ulterior consequences, it may be emphatically called the measure of the people.

With the series of lettings just closed, on the various lines, the initiary steps have all been taken. Our great system may be said to be fairly begun, and the state has embarked in a course of policy from which there is no retreat that would be either safe or honorable. But though it has commenced under the most favorable auspices, yet its friends must not relax in their vigilance and efforts for its support. For those who are anxious to render substantial service to the state, an ample field is open in studying her true interests. With wise and prudent councils some years of persevering exertion will be required to bring our works to a favorable termination, and ensure speedy success. There must be foresight and stability in our legislation so as to continue and increase the confidence of the people at home, and maintain the just credit of the state abroad. Until our success is complete our duties will not terminate, and whilst indulging our fancies with the prospect of a bright future, it should not be forgotten that during the progress of every public work like ours, there has been a financial pressure from which we can claim no exemption. An overflowing prosperity will follow profuse disbursements of the public funds. With its current we will be all swept along, and seduced by the times, we will live high, purchase freely, contract debts, and fall into other extravagances at which our present notions of economy would revolt. And when these disbursements are reduced, when the heaviest demands are made upon us for the support of the Treasury, we shall have parted with the means placed in our hands. Such a state of things will hardly fail to bring upon us a pressure, and when the dark period ar-

river, there may be some so forgetful of its past benefits as to complain of the system. And it will not be surprising if you find others seizing upon the moment to excite unfounded prejudices for the sake of a short career; but it will be short, and when a clear sky returns, when imperishable blessings are to be seen all around, a grateful public will applaud and reward you, who have so firmly coupled your fortunes with the success of the undertaking.

To palliate and if practicable obviate the approach of the evils of such a period, it will be the part of wisdom to take a prospective view, and whilst all is prosperous, and our citizens are able, willing, and ready to contribute, to commence the burthen with the beginning of our works, and the levies to be made should be distributed in advance through the whole period of our operations, leaving no one year to meet the entire demands upon it. The sum to be derived from an established policy of the kind, the annual interest that may be expected from a proper disposition of our dividend of the surplus Revenue, and that portion of the three per cent. fund that you will be able to set apart, will throw into the Treasury a sufficient supply for the demands upon it, leaving a handsome balance at the close of each year to be applied to the increased demands of the next.

With these resources, and with the exaction of a just accountability and an enlightened but rigid economy on the part of all entrusted with the construction of the work, you will be prepared in a great measure for any crisis.

To the Board, to its members severally, and to the Engineers, the year has been one of great interest, and labor; and from the embarrassing difficulties interfering, from the harmony and concert, to be observed in overcoming them, and the zeal and ability with which each discharged the share of arduous duty allotted to him, they are justly entitled to the approbation of the Legislature, and to the confidence of the public. The report of the Board, embodying so much of detail as it necessarily must, may be delayed a short time, but you may expect it in time for your deliberations.

By an act of the last session of the Legislature the duty of procuring a survey and estimates for a road from Princeton to Mount Vernon was assigned to the Governor; but no means were placed under his control to carry it into execution. This omission was like to embarrass the work, as laborers who were willing to wait the ensuing session of the Legislature for their wages, had not the means to pay their own expenses. The necessary funds, however, were voluntarily tendered and furnished the Engineer, Mr. Fontleroy, by the Hon. Robert Dale Owen, to whom three hundred dollars have since been paid from the contingent fund. For the balance due him provision should be made by law. The report of the Engineer will be in readiness at an early day of the session.

It being your province and duty to point out the remedy of any evil afflicting to the public, I most earnestly invite your attention to the condition of the Michigan Road, than which there is no subject more worthy of a share of the attention of the Legislature. That thoroughfare is the avenue through which a large portion of the emigration and tra-

vel, destined for the districts north of the seat of Government, have, and must continue to pass; and through which we convey and receive no small share of exports and imports: It is therefore, a work of much value to the public. The proceeds of the lands granted for its improvement, amounting to about \$230,000 have been exhausted with the exception of a small part. That is too large a sum to be lost, as it will be, should the road go to decay for the want of an additional sum to render it available, and as it has, heretofore, cost the people nothing, the assistance required, it is believed should not be withheld. It is a State work and should be owned and treated as such. The report required by law detailing the proceedings of the Commissioner for the last year will not be delayed.

In consequence of the frequent floods during the past year, the progress of the improvements on the Wabash river under the joint control of Indiana and Illinois, have not equalled the expectations of the Commissioner nor of the public. The operations have been chiefly confined to the works projected and placed under contract prior to the last report of the Commissioner, most of which are now completed. Two additional contracts, were offered for the removal of some rock obstructions, but for the want of competition the bids were so high that the Commissioner rejected them. About \$4,000 of the joint fund have been expended on former contracts, leaving in the hands of the commissioners for further application, about \$11,800. This balance can be profitably employed in extending the work at the Grand Chain, in removing obstructions at the two most difficult points unprovided for, and in the removal of the snags and logs that most endanger the navigation of the stream. Of the latter kind of obstructions, the snags and other deposits of timber, no fair estimate or offer can be made, as they cannot be designated and are distributed throughout the stream. To these can be traced most of the disasters to our commerce, and as our law requires all the work to be done by contract, it will be best to give our commissioner such discretion as will enable him to co-operate with the one in Illinois in removing them under their own direction. The report required by law of the commissioner you may expect within a day or two. It is to be regretted that the great amount of duty devolved upon the Board of Internal Improvement, and upon our engineers in the commencement of our extended system has prevented the making of the minute examination that should precede the expenditure of the appropriation of \$50,000 on the Wabash river. The Board deem it their duty to make a critical examination, and every exertion was made to procure the professional aid of Engineers; but the demand for such services was so great that they failed in doing so until the proper season for making them had passed away. In the early part of the month of November a personal examination of the river was made by two members of the Board, accompanied by Mr. Williams, but the river at that time was so high as to prevent a survey. They found, however, that the most serious obstruction to the navigation is presented by the Grand Rapids which would indicate the propriety of commencing at that place. Whether the improvement of this and the adjoining rapids can be best ac-

complished by dams and locks forming slack water in the river, or by a canal with locks constructed separately from the stream, is a question which the Board will be competent to determine after full investigation. The river forms the boundary line between the states for some distance, and whatever may be the character of the work, both banks must be occupied, and before we proceed the assent of Illinois should be obtained, for which no provision was made by the law of last session. The action of that state has heretofore been liberal, and she may claim concurrent jurisdiction and control, and a mutual participation, as well in the use and profits of the work as in the expense of construction.

To prevent delay in a work of so much value to the counties adjoining, and to hasten the negotiations necessary, it will be the better course to vest the Board of Internal Improvement, or some other competent authority, with power to act in conjunction with the authorities of Illinois in making the necessary compact in relation to the construction and use of the improvements to be made. The legislature of that state holds its session once in two years, and to guard against a delay of that time it may be well also, to propose an adjustment of the matter on the plan named, or in some other way, during its present session.

Of the bonds of the State authorized by law for the benefit of the Lawrencburgh Rail Road Company, the Treasurer of State has caused to be issued the sum of two hundred and twenty-one thousand dollars, the company having complied with the condition precedent by filing with him mortgages on real estate to an equal amount. By a recent negotiation the Company by a loan in the city of New York have realized the amount of one hundred thousand dollars at par, and from the enterprise, business character, and just claims of its members to public confidence, we have every assurance that the proceeds will be faithfully and promptly applied to the construction of the work. The liabilities and engagements of the association for work received, and new contracts, exceed one hundred thousand dollars, and they expect within three years to extend their operations to the seat of government.

The desire to obtain property in the vicinity of our public works has maintained the usual activity in the sales of our canal lands. Since the last session of the Legislature, the entries at private sale amount to \$105,649 29, leaving on hand not more than half a dozen lots of 80 acres.—The usual report will soon be submitted by the Commissioner having charge of that branch of the public interest.

With the outstanding claims of the previous year, the existing appropriations at the close of the last session of the legislature, swelled the liabilities and demands upon the three per cent. fund, to the amount of \$161,889 20. Our dividend since accruing from the sales of the public lands to the close of the third quarter of this year, amounting to \$156,185 79 has been received at the Treasury, and apportioned among the counties, which leaves an unsatisfied balance of \$5,703 41 against the fund.

The sales at the land offices the present year have exceeded those of any former period. They amounted the first six months to upwards of two millions five hundred thousand dollars, and with the expiration

of this month, will probably reach five millions; which will entitle us for the 4th quarter of this year, to a further dividend of from thirty to forty thousand dollars. If the sales for the ensuing year should not be diminished more than one third, which is not probable, a further sum of one hundred thousand dollars will accrue, making from \$130 000 to \$140,00 to be applied the coming year, as you may direct. Entertaining the opinion I heretofore advanced, that there is no permanent benefit to be derived from our present mode of applying the fund, and believing it our imperious duty as far as possible to relieve the people from the burthen of taxation, I suggest the propriety of applying the major part of future receipts to the extinguishment of the interest of the loans obtained to carry on our public works.

The period of Mr. Keigwin's superintendence being about to expire, the duty of farming out the State Prison for another term of five years, devolved on the Governor since your last meeting. For that purpose, notices were issued inviting proposals from the public, and at the appointed time, the prison with its inmates and appendages were awarded to Messrs. Patterson and Hensley on their bid of eighteen thousand one hundred dollars to the State; they to clothe and feed the convicts and be governed by the law regulating the police of the prison, as well as of their own conduct. The report of the visitor for this year I now lay before you.

The grading, fencing, and other improvements directed by law, in and about the Capitol, have been made under the superintendence of the Treasurer of State; and the Senate Chamber and Representative Hall, Court Room, Library, and the various appartments, have been provided with such furniture as was necessary to render them comfortable and convenient. The law punishing idle and vicious persons for marking, defacing, or otherwise injuring the building, expired and was not revived at the last session; and as some penalty has already been needed to restrain such offenders, the subject will require the attention of the Legislature.

In its usefulness, and in the high reputation it is rapidly acquiring, the State College at Bloomington is meeting the expectations of the public, and is achieving all that was promised by its ardent friends and advocates. Its patronage from our citizens, and from those of other states is increasing, which is the best evidence of its merits. Reared as it has been as a favorite institution, and partaking as it does of State character nothing should be omitted that is calculated to elevate its standing, increase its prosperity, and extend its usefulness. With that view, I suggested, at our last annual meeting, the propriety of bestowing upon it the character and endowments of a State University; and as time and reflection have confirmed the opinion then advanced, I now renew the recommendation.

The State Bank it is believed, is subserving all the valuable purposes for which it was established. By its issues a large amount of our circulation is supplied; the influence of which, upon the price of produce and other property, is every day apparent. Its resources are ample, as you will perceive by the report of its officers, and notwith-

standing the late demand for specie, the quantity in its vaults, except for short periods, has not been materially diminished, and from the report of the condition of other banks, as made to the Secretary of the Treasury of the United States, the means of our Bank will bear a favorable comparison with any other. Of its highly prosperous condition, we have satisfactory evidence in the dividend of ten per cent. interest accruing to the State on her stock. That institution is what it purports to be—a State Bank. The State, or the people, now own eight hundred and sixty-five thousand dollars of the capital paid in, which was borrowed at five per cent. interest and on which we receive an interest of ten per cent. realizing to the State a profit of about \$40,000 per year. The profit we receive on our stock will pay off the debt when it is due, leaving us the \$865,000 clear gain, which, according to the Bank charter, is to be set apart for the benefit of free schools. Under this view of the subject, it will be the duty of every good citizen to support the Bank in all its lawful pursuits, and any unnecessary assault or effort to cripple its prosperity, should be viewed as an assault upon the interests of the people. But on the other hand, the legislature should look into its conduct and scrutinize every act, and for every dereliction of duty, or infraction of charter, or if conducted for selfish purposes, partially or corruptly, its officers should be promptly exposed, dismissed, and punished.

The perplexing and deranged condition of the currency and unsettled state of the money market in the Atlantic cities combined in making the past season a most inauspicious one for our Fund Commissioners in their negotiations for the loans contemplated by law. The members of the Board visited the Eastern cities several times, and delegated one of their number, Dr. Coe, to remain there to avail himself of any opportunity that might offer. The efforts of the Board resulted in obtaining funds sufficient for our purposes, but not on terms so advantageous to the State as our former loans were. The first was procured at par on our bonds bearing five per cent. interest, amounting to five hundred thousand dollars. In the second negotiation of one million and twenty-nine thousand dollars at the same rate of interest a premium of one dollar on the hundred was received. An arrangement was made for the deposit of both of these sums with the city banks, by which the State receives five and five and a half per cent. interest until called for. Of the whole sum borrowed four hundred and forty thousand dollars are for the Bank capital; the remainder is designated for the Wabash and Erie Canal, and for our other public works.

It is highly creditable to our Fund Commissioners and to the State, and ought to be most gratifying to us all, to know, that whilst other five per cent. stocks were rejected, ours obtained favor. And why is it that our credit stands so fair and unblemished? It may be ascribed in part to our abundant resources present and to come, but above all, because there has been no indication of a disposition amongst our citizens to trifle with our public faith, or trample on vested or private rights; but on the contrary, that they are at all times ready to respect and sustain the constitution and laws, and protect the rights of individuals.



I lay before you a letter from the Secretary of the Treasury of the United States, with a copy of the late law of Congress regulating the deposits of the public money in the State Banks and providing for the depositing of the surplus money of the Treasury among the States upon the basis of federal representation. From that act you will perceive that as a condition precedent, each State is required to pass a law accepting the dividend and pledging its faith for the return of the money when called for, by the Secretary of the Treasury.

From the vast accumulations of the Treasury of the U. States, as exhibited by the monthly report of the Secretary, it is probable the surplus to be apportioned among the States will allot to Indiana about fifteen hundred thousand dollars, the first instalment falling due the first day of January. Whether it shall be accepted or not, according to the conditions presented by the law, will be for the sound discretion of the Legislature to determine. My own convictions are that it will be the better policy to receive the money, and rely upon the future wisdom and justice of Congress for the surrender of any further claim to the fund.

If you determine the question affirmatively, then what disposition shall be made of the money to render it productive and safe?

Two plans present themselves to my mind, either of which would be acceptable. The one is to increase the State stock in equal proportion in all the branches of the State Bank; and the other, to distribute it equally among the counties of the several bank districts, to be loaned for a term of five years, in sums from \$200 to \$500 by the officers of the banks, secured by mortgage on lands at half their valuation:—the mortgager to pay the officers such fees as will compensate them, exempting the accruing interest from any charge of the expense of loaning. Taking into view the amount carried to the surplus fund, our bank stock for the last year has yielded a dividend of more than ten per cent; and supposing the condition of the Bank to remain as prosperous for the future, we may calculate upon an interest of ten per cent. should you dispose of the fund upon the plan first named. If you adopt the second mode, the rate of interest will be as you may direct by law. If invested in Bank stock it can be converted into cash, whenever good policy or the exigencies of the State shall make it desirable. If loaned on mortgage, it will fall into the hands of those who cannot comply with Bank regulations by payments at short periods. In either way the fund will be safe and productive, and the benefits of its circulation will be generally felt by the people. The annual interest can be applied on that accruing on our loans, and will meet it on one fourth part of our contemplated public debt at five per cent. Should the General Government relinquish its claim, it will be our true policy to pledge the fund for the support of township schools after we are through with our public works.

In the month of July last, from three to four hundred delegates, from the nine states most directly interested, assembled in convention at Knoxville, Tennessee, to consult upon the practicability, the expediency, and the means to be employed for the construction of the project-

ed National rail-way, from Charleston, South Carolina, to the Ohio river, and from thence by a connection with the works of this State and Ohio to reach the lakes. Several of our public spirited citizens were in attendance, and participated in its deliberations. It is proposed where other provision has not been made by the States interested, that the surplus to be distributed by the General Government shall be set apart to an amount sufficient for the accomplishment of the work.—Our public works will constitute important links in the great chain of communication, and with the provision we have already made, nothing more will be required of the state.

To the West, the South, and the Union, it is a work of great value. By its completion we will acquire, in the choice of markets, all we can desire, and the reasonable certainty of its success we find much to stimulate and urge us onward in carrying out our own plans. For your information, I have been furnished with several printed copies of the proceedings of the convention, which I now lay before you.

The Governor was requested by a resolution of the last legislature, to open a correspondence with the executives of Kentucky and Ohio, and with distinguished individuals in the science of Geology, on the subject of a Geological survey of the three states; and to ascertain the probable expense, the time it would require, the manner in which it should be done, &c. That duty received the attention due to it, and I now lay before you the correspondence pertaining to the subject.

From the Governor of Kentucky, I have not been honored with a reply; and it may be because he did not feel at liberty to offer any opinion, as to the course the legislative branch would pursue, without previous authority so to do.

In this state we have external indications of large fields of coal, and other mineral deposits, but for the want of the proper test of science, their extent and value are unknown. Whether Kentucky and Ohio will unite with this state must remain in uncertainty for some time to come,—to say nothing of the delay that would be made in settling the terms of the examinations, the proportion of the expense to be paid by each, and where they should commence.

These reflections have induced the belief that no satisfactory adjustment of the terms can be concluded upon in a reasonable time, and satisfied that our mineral resources properly developed, will give employment to thousands, subserve the purposes of commerce, contribute to the support of our public works, and add greatly to the wealth of the citizens, and the state, I would advise the appointment of a competent person, with authority to proceed with the examination, under the auspices, and for the benefit of this State alone, and if the other states shall hereafter signify their wish to unite in making the examinations, they can be included.

By a resolution of the Legislature at its session before the last, the Governor was authorized to receive from the Hon. John Tipton, a deed of conveyance for the Tippecanoe Battle Ground, which he so generously proffered to convey to the State, without charge. In consequence of some omission on the part of the surveyor, the deed was

not made before the time of Gen. Tipton's departure for Washington at the last session of Congress. I now have the satisfaction to say that the conveyance has been made, and that the remaining instructions of the Legislature will be complied with by enclosing the ground and procuring a design for the Monument proposed to be erected.

The agricultural interests, it is believed, have been largely promoted by the encouragement given by the law of February, 1835. Numerous County Societies have been added to those of the previous year; fairs and exhibitions have been held and a spirit of emulation and generous competition have been superinduced, the happy effects of which are witnessed in the improved culture and stock of many of the farms throughout the country. The State Board have done what their opportunities would admit. After examining the report of the State Board, which will soon be made, you can determine whether a revision or further amendment of the law will be needed for the promotion of that branch of industry and enterprise.

The accumulation of business in our courts, the additional time allowed by law to transact it, and the enlargement of several of the circuits by attaching the newly organized counties to them, have become so burthensome to the President Judges as to require one or more new circuits; and I recommend the subject to the consideration of the Legislature.

Among the liberal grants from the National Treasury for the construction of harbors, light-houses, &c., along the borders of the great chain of Northern Lakes, there have been several small ones for the benefit of the commerce flowing through Michigan City of our state: But these disbursements are too small and too tardy for our growing trade. In point of commerce, in the number of its inhabitants, in its unprecedented improvements, and its concentration of capital and enterprise, that point on the Lake has no rival, and it will be well for the Legislature to request another and an increased appropriation at the hand of Congress.

A joint resolution of the last session authorized and directed the Governor to employ some one to revise our School Laws. That duty was discharged by engaging the services of the Hon. John Dumont, who will report the manner in which the task assigned him has been performed.

The reports to be made by the School Commissioners to the Treasurer, in compliance with the requisitions of our statute, are not due until December, which precludes the Governor from noticing them.

In establishing the several routes composing the plan of our public works, they do not accommodate the interests, nor enlist the feelings of our citizens of Jackson, Scott, and Clark counties, nor of those south of the New Albany and Vincennes Road, and therefore they complain of its injustice. Of their dissatisfaction, information, both verbal and written, from sources that cannot be disregarded, has been communicated to the Governor, that he may make it known to the Legislature. In the last named counties, delegates have been sent to a convention at Jasper, to deliberate upon measures for the promotion of

their wishes, and through their representatives here, the character of the improvements proposed, and the extent of their claims upon the patronage of the state, will be made known to the Legislature. But whilst they complain, they acknowledge their obligations to the state, and mindful of their duty, they are ready, now, as heretofore, to sustain the state in her measures, and to respect the supremacy of her laws. In the counties first named, they desire the aid of the credit of the State for the Columbus and Jeffersonville Rail Road, surveyed by Mr. Coyle, the last year.

Good policy would seem to dictate a course that will quiet these claims and unite these small districts in interest and feeling, with the other portions of the state, and I recommend the subject to your serious consideration.

Two years since, when entering upon the duties of my second term of service, I pointed to the time when the landholders would be relieved from the burthen of taxation, by the adoption of the ad valorem system, as the proper period to say something in behalf of the Judicial and State officers; and I now most cheerfully comply with that engagement, by earnestly recommending such an additional allowance as your liberality and sense of justice may approve.

The salary of seven hundred dollars for a Judge was settled at the time of the organization of our State Government. We were then poor, and out of little more than sixty thousand inhabitants, about eight thousand of them paid the taxes, and therefore a rigid economy was necessary. Land was cheap and plentiful; provisions, and every description of property were low. But now, we have a population of more than 700,000, and upwards of 100,000 contribute to the support of the treasury. The forest is subdued; our citizens are not only comfortable, but in easy circumstances; land, provisions, and all kinds of property have advanced two or three fold, but the salary of the Judge is the same. Law is a progressive science, and to keep pace with its advancement, the possession and the perusal of books are absolutely necessary; and for a Judge to be competent, or to attain eminence, his whole time and attention should be devoted exclusively to his profession. Like other men when in advanced age, having employed his whole life in the study of the science, he should be able to point to a portion of his earnings for the future support of his family; but with his present salary he can do neither, and if you will enquire among yourselves, you will find, with few exceptions, our Judges are poor, and if freeholders at all, it consists of a town lot, with a family dwelling.

Since your last meeting, one of the Judges of the Supreme Court resigned his office, because it would not support his family. It was offered to most of the senior members of the bar, but rejected, and no one sought it. To avoid an adjournment at the last term of the court, without the transaction of the usual business, the place was accepted by a distinguished individual, at the urgent request of the bar, reserving the right to surrender it at pleasure. Of this state of things, the consequence will be, that those of the highest attainments will be driv-

on from the bench, and seats there will only be accepted by those who have not talents to live by the practice.

The constitution has placed my salary beyond your reach, by forbidding any increase whilst the Governor is in office. But having a right to advise what the pay of my successor ought to be, and this being the session at which you must act in the matter, if at all, I feel it my duty to tell you that he cannot live on what you now allow. Place him at the seat of government for three years, and from the price of rent, wages, firewood, and provisions, if he does his duty towards the other branches of the government, to strangers, to our citizens, and to his station, such as the laws of hospitality and courtesy require; he must leave the office largely in debt; and if found so ruinous, it will soon be, that none but the wealthy can accept it.

Of the per diem compensation allowed to members of the Legislature, you are constituted the proper judges, and your delicacy may suffer in extending even handed justice to your branch. But it is well known to all who shared in public life at the time your compensation was fixed at two dollars, that boarding was one dollar and fifty cents per week, and for your horse seventy-five cents; you have now to pay two to three times that amount. Flour and pork then worth one dollar and fifty cents, will now command three times that sum; and as it is the rise of produce that increases your expenses, surely the farmers will not complain if you hereafter make yourselves whole. But this is not all. In preparing to leave home you place your crop, stock, and other business in the hands of agents who must be paid, and when you balance your accounts with the state, none of you realize fifty cents per day. This state of things will justify an allowance of three dollars per day for future sessions; and if at the end of three years you find your expenses are reduced, you can reduce your pay to the old price; and you will find your constituents too generous, liberal, and just, to censure you.

Owing to the changes made in the channel of the Great Miami river near its mouth, the boundary line between the states of Ohio and Indiana is so indefinite, that the Legislature of Ohio, to avoid collision, has thought proper to invite its permanent settlement. For that purpose I have been furnished by the Executive of Ohio with the joint resolution, which I now have the honor of laying before you.

Whilst giving your attention to the various branches of the public interests and service, if you find my exertions at all necessary to advance them, you may rely on my earnest co-operation.

N. NOBLE.

December 5, 1836.

Senate returned to their chamber, and  
On motion, adjourned.

WEDNESDAY, DECEMBER 7, 1836.

Senate assembled.

The President announced the appointment of the following standing committees, viz:

ON ELECTIONS.

Messrs. Thompson of Perry, Beard, Plummer, Colerick, Morgan, Brady, Bell, Moore, and Turman.

ON WAYS AND MEANS.

Messrs. Hillis, Morgan, Hamilton, Boon, Puett, Elliott, Conwell, Claypool, Milroy, and Walker.

ON THE JUDICIARY.

Messrs. Thompson of Lawrence, Collins, Dunning, Dumont, Colerick, Thompson of Perry, Everts, Hackett, Kennedy, Liston, and Elliott.

ON EDUCATION.

Messrs. Dumont, Dunning, Vawter, Clark, Trask, Ewing, Dobson, Collins, Stanford, Smith, and Mitchell.

ON MILITARY AFFAIRS.

Messrs. Morgan, Milroy, Sigler, Fowler, Stewart, Casey, Bell, Smith, Ewing, and Crawford.

ON ROADS.

Messrs. Beard, Ewing, Daily, Fowler, Plummer, Chambers, Stewart, Stafford, Cole, and Hoagland.

ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Clark, Beard, Sigler, Thompson of L. Casey, Mitchell, Hillis, Hackett, Morgan, Conwell, Bell, Thompson of Johnson, Elliott, Colerick, and Liston.

ON THE TOWN OF INDIANAPOLIS.

Messrs. Brady, Little, Bell, Brown, Stewart, Fowler, Kennedy, Puett, Crawford, and Moore.

ON CLAIMS.

Messrs. Boon, Bradbury, Chambers, Conwell, Hackett, Casey, Plummer, Stanford, Stafford, and Cole.

ON THE STATE PRISON.

Messrs. Daily, Hackett, Vawter, Hoagland, Brady, Little, Chambers, Thompson of J., and Trask.

ON UNFINISHED BUSINESS.

Messrs. Kennedy, Bradbury, and Smith.

## ON THE STATE LIBRARY.

Messrs. Dunning, Thompson of P. Turman, Trask, Daily, Hamilton, Dobson, Cole and Stanford.

## ON PUBLIC BUILDINGS.

Messrs. Claypool, Clark, Mitchell, Moore, Plummer, Thompson of J., and Turman.

## ON THE STATE BANK.

Messrs. Collins, Conwell, Puett, Vawter, Milroy, Stanford, Little, Hamilton and Walker.

## ON THE CANAL FUND.

Messrs. Everts, Walker, Bradbury, Ewing, Stafford, Dobson, and Bell.

## ON AGRICULTURE.

Messrs. Sigler, Casey, Stewart, Dumont, Hoagland, Fowler, Chambers, and Crawford.

## ON ENROLLED BILLS.

Messrs. Vawter and Elliott.

The President then announced to the Senate the following as the order of business to be observed by the Senate during the present session, until changed by the Senate, viz:

1. Reading of the Journal,
2. Petitions Memorials and Remonstrances,
3. Reports from Standing Committees, following, to wit:

1. On Elections,
2. On Ways and Means,
3. On the Judiciary,
4. On Education,
5. On Military Affairs,
6. On Roads,
7. On Canals and Internal Improvements,
8. On the town of Indianapolis,
9. On Claims,
10. On the State Prison,
11. On the State Library,
12. On Public Buildings,
13. On the State Bank,
14. On the Canal Fund,
15. On Agriculture,
16. On Unfinished Business,

4. Reports from select Committees,
5. Resolutions of the Senate,
6. Joint Resolutions,
7. Bills,
8. Orders of the Day.

The Committee on Enrolled Bills is not restricted by the preceding rules, but may report at any time.

Mr. Clark submitted for adoption the following resolution:



*Resolved*, That ——— copies of the Governor's Message be printed for the use of the Senate.

Mr. Stewart moved to fill the blank with two thousand.

Mr. Colerick moved to fill it with five hundred.

And on putting the motion, shall it be filled with two thousand?

It was decided in the affirmative.

On motion of Mr. Stewart, the following resolution was adopted:

*Resolved*, That one hundred copies of the committees and order of business, be printed for the use of the members of this body.

On motion of Mr. Conwell, the following resolution was adopted:

*Resolved*, That a committee of five be appointed to inquire into the expediency of so changing the road law, as to authorize each township to elect three road inspectors to supervise the roads in each township; and also that they be authorized to receive and lay out all the road revenue in said township, and also that they have authority to make any non-essential changes in any of the roads, and that they have leave to report by bill or otherwise.

Messrs. Conwell, Thompson of Lawrence, Little, Bell, and Brady, were appointed said committee.

Mr. Vawter offered the following resolution:

*Resolved*, That it is highly expedient that the present General Assembly go into a revision and compilation of the statute laws of the state, at the present session,

Which resolution was by consent laid upon the table.

Mr. Beard offered for adoption the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn to meet again at 9 o'clock to-morrow morning,

Which was decided in the negative.

Mr. Brady proposed the following resolution:

*Resolved*, That the public printer be directed to print ——— copies of the Journal of the Senate of the present session of the General Assembly,

Which was laid upon the table by consent.

On motion,

Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Little, the following resolution was adopted:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of amending the laws, so as to authorize special sessions of the circuit court in certain cases.

Mr. Thompson of P., offered the following resolution:

*Resolved*, That Mr. Thompson of P., be excused from serving as chairman of the committee on elections,

Which was adopted.

The President laid before the Senate, the following communication and reports from the Secretary of State:

INDIANAPOLIS, 7th December, 1836.

Hon. DAVID WALLACE:

Sir—You will please lay before the Senate the accompanying report.

I have the honor to be,

Very respectfully,

Your obedient Servant,

WM. SHEETS.

DEPARTMENT OF STATE, }

Dec. 7th, 1836. }

The Secretary of State respectfully reports to the General Assembly that on the 30th day of July last, a contract was made with Messrs. John Douglass, S. V. B. Noel, Nathaniel Bolton, John Livingston, and Moses M. Henkle for the public printing that may be required for one year ensuing the date of the contract, at the following prices, to-wit:

Composition, plain matter, per 1000 ms . . .	\$00 50
“ figure work . . .	00 75
“ rule and figure . . .	1 00
Presswork, per token . . .	00 50
Blanks for offices, per ream, . . .	15 00

The work to be done in the manner and within the time prescribed by Law.

A contract was made at the same time with Israel Harding for 140 cords of wood, one hundred of which to be cut into lengths of two feet at \$2 00 per cord, and the balance at \$1 37½ per cord.

The Laws and Journals of the last session were distributed by the following persons, to-wit:

John M. Wetzell in the 1st Circuit,	at	\$34 75
Isaac Fisher “ 2d “	“	55 00
Solomon Wells “ 3d “	“	28 49
Lorenzo D. Wilson “ 4th “	“	85 00
Arthur L. Wells “ 5th “	“	28 49
Elliott M. Patterson “ 6th “	“	60 00
Samuel J. Patterson “ 7th “	“	75 00
Robert Patterson “ 8th “	“	115 00

The Stationary necessary for the use of the General Assembly was purchased from Josiah Drake of Cincinnati, a bill of which will be laid before the Legislature in the report of the Treasurer.

All of which is respectfully submitted.

WM. SHEETS.

The Secretary respectfully submits to the General Assembly the following additions made to the State Library during the past year, viz:

Pecks Trial, (2 copies)	2 volumes	\$6 25
Porter's Trial	1 “	1 00

Chase's Trial	1	"	2 00
Sergeant's Constitutional Law,	1	"	3 50
Ricardo's Political Economy, (2 copies)	2	"	2 75
Burton's Anatomy of Melancholy,	2	"	4 00
Tucker's Light of Nature,	4	"	8 00
Duchess D. Abrantes,	1	"	2 00
Life of Bishop Heber,	2	"	4 00
Mathematics for practical men	1	"	3 50
Dictionary of Biography,	1	"	1 25
Locke's Essays,	1	"	1 50
Celebrated Trials,	1	"	2 50
Paley's Works,	1	"	2 00
Smith's Thucydides	1	"	1 75
Paynes Political Works,	1	"	2 00
Ranmer's England,	1	"	2 25
Life of Roscoe,	2	"	2 50
American Almanac,	1	"	0 75
History of Texas,	1	"	1 00
Reminiscences of Niebhuur,	1	"	0 75
Lexicon of useful knowledge,	1	"	1 00
Public instructions in Prussia,	1	"	1 00
Life of Harrison,	1	"	0 80
Family Library,	10	"	5 00
Payno's Elements,	1	"	1 00
Gutzlaff's China,	1	"	1 00
Classical Library,	9	"	4 50
Lardner's Cabinet Cyclopædia,	2	"	4 50
Baker's Livy,	6	"	6 00
Murphy's Tacitus,	6	"	6 00
Allen's Life of Scott,	1	"	1 50
Jacob's Inquiry,	1	"	2 00
Brackenridge's and Hughes' Discussion,	1	"	2 50
Lawrence's Lectures,	1	"	1 50
Gourgand's Napoleon,	1	"	1 25
Metters on public characters	1	"	1 25
Beck's Geological Manual,	1	"	2 50
Spectator,	2	"	2 25
Bridgewater Treatise,	1	"	2 50
Walsh's Didactics,	1	"	2 00
Johnson's Works,	2	"	4 50
McKenzie's Voyages,	1	"	1 50
Mariners Library,	1	"	1 25
Ross's Voyages,	1	"	2 00
Newton's Works,	2	"	3 00
Consin's Philosophy,	1	"	1 75
Enfield's Philosophy,	1	"	1 75
Babbage on Machinery,	1	"	1 00
Fac simile of Washington's accounts,	1	"	2 50
Life of Ashmun,	1	"	2 00

Athens and Constantinople,	1	"	1	25
Disclosures of Mariah Monk,	1	"	1	00
Subscription for Historical Family Library, (a periodical)			2	50
One year's subscription to Annals of Education			3	00
Two do do Rail Road Journal,			8	00

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\$139 30

Expenses of purchasing and transportation,

22 25

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\$161,55

The annual appropriation,

\$100 00

In the hands of Librarian at last report,

16 45

Received by Librarian for a book sold, (there  
being an extra copy)

1 50

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\$117 95

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\$43 60

Leaving a balance of \$43 60 to be paid out of  
the next year's appropriation.

There have been received during the present year from the State of

Vermont	2	copies of Acts of	1835
Massachusetts	3	" Revised code	1836
Georgia	3	" acts	1835
Virginia	1	" "	1836
New Jersey	2	" "	1835
"	1	" Geological Survey.	
Connecticut	3	" acts	1835
"	3	" "	1836
Kentucky	2	" "	1835
New York	3	" "	1836
Florida	3	" "	1836
New Hampshire	3	" "	"
Pennsylvania	3	" "	"
Maine	3	" "	"
Alabama	2	" "	"
North Carolina	1	volume Reports of Supreme Court.	
United States	243	copies Acts of Congress	1836
"	3	series Congressional Documents, (39 vol's.)	

Respectfully submitted,

WM. SHEETS.

Mr. Morgan proposed for adoption the following resolution:

*Resolved,* That the Senate will, on this day at 4 o'clock, proceed to the election of a President Judge for the 6th Judicial Circuit, to fill the vacancy occasioned by the expiration of the term of service of the Hon. Samuel Bigger, (the House of Representatives concurring therein); that the House of Representatives be informed of the adoption of this resolution and their concurrence be requested.

Mr. Dunning moved to amend said resolution by including the election of a President Judge for the 7th Judicial Circuit, to fill the vacancy occasioned by the expiration of the term of service of the Hon. Amory Kinney;

Which was accepted by the mover of the original resolution as a part of said resolution.

On motion of Mr. Mitchell, the following resolution was adopted:

*Resolved*, That a select committee be appointed to inquire what amendments are necessary to the act relative to county boundaries, with leave to report by bill or otherwise.

Mr. Colerick, upon leave granted, presented a bill providing for the division of the 8th Judicial Circuit.

On motion of Mr. Morgan,

The rules of the Senate were dispensed with and the bill read a second time, and,

On motion of Mr. Liston,

The rules were further dispensed with, the bill read a third time and passed.

Mr. Dumont, leave having been obtained, presented a bill to change the time of holding courts in part of the third Judicial Circuit.

Mr. Thompson of L. moved to dispense with the rules of the Senate, and the bill was read a second time; and,

On motion of Mr. Dumont,

It was referred to a select committee, composed of Messrs. Dumont, Plummer, Conwell and Fowler.

On motion of Mr. Stanford, the following resolution was adopted:

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of so amending the revenue laws, as to require the boards doing county business to make their exhibits of receipts and expenditures at their January term instead of the November term as at present, with leave to report by bill or otherwise.

On motion of Mr. Brady, the following resolution was adopted:

*Resolved*, That the standing committee on roads be instructed to inquire into the expediency of memorializing the Congress of the United States on the subject of rendering up to the State of Indiana the necessary fund from time to time, for the completion of the Cumberland Road in this State, to be laid out under the superintendence of the board of public works.

On motion of Mr. Thompson of Perry, the following resolution was adopted.

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing the act approved Feb. 10, 1831, organizing Probate Courts, and defining the powers of executors, administrators and guardians, so far as said act organizes said court; and into the expediency of transferring all the powers and duties of said court to the Circuit Court, or of organizing Circuit Probate Courts.

Mr. Mitchell offered the following resolution:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of so amending the laws of the State, that in all cases

where roads were or are laid out on or near the line of two or more landholders, each landholder shall contribute equally to the road or roads so running between them.

Mr. Sigler proposed to amend said resolution by adding:

If they see proper;

Which amendment was decided in the negative; and,

On recurring to the original resolution it was adopted.

The following message was received from the House, by Mr. Elliott their clerk:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House of Representatives have reciprocated the resolution of the Senate fixing on 4 o'clock, P. M. of this day for the election of President Judges of the 6th and 7th Judicial circuits, to fill the vacancies of the Hon. Samuel Bigger and the Hon. Amory Kinney, whose terms of service are about to expire, and Mr. Evans is appointed teller on the part of the House of Representatives.

The House of Representatives have concurred in the amendment of the Senate to the engrossed bill of the House of Representatives

No. 1—to authorize a special session of the Vermillion circuit court.

Mr. Plummer offered the following resolution which was adopted:

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of each member of the Senate and House of Representatives, keeping a regular and true account of all the money he may expend during the present session of the legislature as postage on all letters and documents appertaining or in reference to the affairs of the state, and that funds be appropriated for the payment of the same.

Mr. Little moved to reconsider the vote of the Senate authorizing the printing of two thousand copies of the Governor's Message;

Which motion was decided in the negative.

Four o'clock, P. M., Senate proceeded to the Hall of the House of Representatives and entered into the election of President Judges of the 6th and 7th Judicial Circuits.

Mr. Morgan acting as teller on the part of the Senate, both Houses proceeded to the election of a President Judge of the 6th judicial circuit,

When upon the first ballot it appeared that Samuel Bigger was duly elected, he having received 138, scattering 4 votes.

Both Houses then proceeded to the election of a President Judge for the 7th judicial circuit, Mr. Morgan acting on the part of the Senate, as teller,

When, upon the first ballot it appeared that Elisha M. Huntington was duly elected President Judge of the 7th judicial circuit, he having received 117 votes and Joseph Warner 24 votes.

And thereupon he was declared duly elected for seven years from and after the expiration of the term of Amory Kinney.

Senate returned to their chamber; and

On motion, adjourned.

THURSDAY, DECEMBER 8, 1836.

The Senate assembled.

The following report was received from the House of Representatives by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an Engrossed Bill of the Senate;

No. 1—An act for the division of the eighth, and for the formation of the ninth Judicial Circuits, and for other purposes.

Mr. Crawford presented a petition signed by Joseph L. Jernegan and others, praying an act to change the name of Goshen to that of Burlington,

Which upon motion was laid on the table.

Mr. Stewart presented a petition signed by Elijah Bell and others, praying an act for locating a rail road or turnpike from the Wabash river, opposite Mount Carmel, in Illinois, to Princeton, in Gibson county, to Petersburg, in Pike county, to Jasper in Dubois county, to Levenworth, in Crawford county, to Corydon, in Harrison county, to a point on the Ohio river where the Louisville South Western Rail Road shall terminate, and to New Albany and Jeffersonville,

Which was referred to the Committee on Canals and Internal Improvements.

Mr. Liston presented a petition signed by John Grant and others, praying an amendment of an act passed in 1835-6, authorizing the erection of a dam across the St. Joseph river;

Which, on motion of Mr. Liston, was referred to a select committee composed of Messrs. Liston, Crawford, and Ewing.

Mr. Mitchell proposed the following resolution which was laid upon the table by consent:

*Resolved*, That the petition of John Corbit and others, praying for a survey, computation, &c., of a McAdamized road from Maukport, by Corydon, Salem, &c., to Bartholomew county; laid on the table last session; be referred to the committee on Canals and Internal Improvements.

The following message was received from the House of Representatives, by Mr. Stewart, their clerk:

MR. PRESIDENT—

The House of Representative have adopted the following resolution:

*Resolved*, That the clerk inform the Senate that this House is now prepared to go into the election of a United States' Senator, and that seats are prepared for them on the right of the Speaker's chair;

Whereupon the Senate repaired to the Hall of the House of Rep-

representatives, and proceeded to ballot for the choice of a Senator of the United States to fill the vacancy occasioned by the expiration of the term of service of the Hon. William Hendricks, whose term of service will expire on the 4th of March next.

And on counting the votes on the first ballot, they were as follows, viz: Noah Noble received fifty votes, William Hendricks thirty-one votes, Oliver H. Smith thirty-five votes, Ratliff Boon twenty-two votes, T. H. Howard one vote, scattering seven votes.

Second ballot—Noah Noble received forty-nine votes, William Hendricks received forty-one votes, Oliver H. Smith received forty-one votes, Ratliff Boon received twelve votes, scattering three votes.

Third ballot—Noah Noble received fifty-five votes, William Hendricks received forty-seven votes, Oliver H. Smith received thirty-five votes, Ratliff Boon received seven votes, and scattering two votes.

Fourth ballot—Noah Noble received sixty votes, William Hendricks fifty votes, Oliver H. Smith thirty-four votes, Ratliff Boon one vote, scattering one vote.

Fifth ballot—Noah Noble received sixty-five votes, William Hendricks forty votes, Oliver H. Smith thirty-eight votes, scattering three votes.

Sixth ballot—Noah Noble received fifty-eight votes, William Hendricks thirty-seven votes, Oliver H. Smith forty-four votes, scattering six votes.

Seventh ballot—Noah Noble received fifty-nine votes, William Hendricks twenty-five votes, Oliver H. Smith fifty-seven votes, Charles Dewey two votes, Jonathan M'Carty one vote, and scattering one vote.

Eighth ballot—Noah Noble received sixty-four votes, William Hendricks six votes, Oliver H. Smith seventy-three votes, Charles Dewey two votes, scattering one vote.

Ninth ballot—Noah Noble received sixty-three votes, William Hendricks one vote, Oliver H. Smith seventy-nine votes, Charles Dewey two votes, scattering one vote.

Upon which the President of the Senate announced to the convention that Oliver H. Smith having received a majority of all the votes given for a Senator of the United States, was duly elected for six years from and after the expiration of the term of the Hon. William Hendricks.

Senate returned to their chamber, and

On motion, adjourned.

*2 o'clock, P. M.*

Senate convened, and

On motion, adjourned.



FRIDAY, DECEMBER 9, 1836.

Senate assembled.

The President laid upon the table the following communication from the Agent of the 3 per cent. fund;

Which, the reading having been dispensed with, was referred to the committee on roads; and,

On motion of Mr. Smith, 300 copies ordered to be printed.

TREASURY OFFICE,  
Indianapolis, 8th Dec., 1836. }

*Hon. David Wallace, President of the Senate:*

I herewith transmit to be laid before the Senate a statement of the operations and condition of the 3 per cent. fund.

N. B. PALMER,  
Agent 3 per cent. Fund.

**STATEMENT** in relation to the three per cent. fund, submitted in conformity with a Resolution of the House of Representatives, adopted January 16th, 1832.

The total amount received from the United States prior to the 1st Dec. 1835, including also \$2,550 00 received from the State Treasury, is

\$224,464 82

There has been received from the United States the present year

156,185 79

————— \$380,650 61

The payments from this fund on the various appropriations to roads, rivers, and counties, prior to the 30th November, 1835, amount to

\$205,505 80

There has been paid on same account the present year

97,802 72

The total amount of incidental expense, including Agent's salary &c., up to the 1st Dec., 1836, is

4,617 94

————— \$307,926 46

————— \$72,724 15

Leaving a balance on hand on the 1st day of Dec., 1836, of \$72,724 15.

The following table will show the amount appropriated to each of the several objects to which this fund has been directed. Also the amounts paid to, and the balance due to each. So fast as the appro-

priations to roads and rivers have been fully paid off, the amounts appropriated, and the amounts paid, have been consolidated under their proper heads; there being no apparent necessity of continuing to report them in detail, after being liquidated.

The extraordinary amount of this fund which has been received the present year, may be attributed to two causes:

- 1st. The unexampled extent of the sales of the public lands; and,
- 2d. There has been paid to the Agent the present year the accruing per cent. on land sales for a period of one and a half years, embracing the three last quarters of 1835, and the three first quarters of 1836, bringing the payments to the Agent, down to the 31st Oct. of the present year.

The fact of the payments being brought down to so late a period, together with the probability that the sales of public lands will greatly decrease, will undoubtedly reduce the receipts of this fund, for the coming year, compared with those of the last, to a very inconsiderable amount.

The amount of the fund now on hand, however, as will be perceived by the following exhibits, is adequate to the discharge of all existing appropriations, except a balance of less than 6,000, which must be met by the county receipts.

No. of Road or County.	Road Commissioners & names of Counties.	Appropriation to each Road and County.	Amount paid to each.	Balance due to each.
12	George White	2,712 23	2,701 19	11 04
14	Garra Davis	3,033 80	3,025 02	8 78
	Amounts appropriated and paid on 53 roads	111,740 05	111,740 05	
	Amounts appropriated and paid on 10 rivers	2,050 00	2,050 00	
1	Adams (County)	3,500 00	900 00	2,600 00
2	Allen	3,387 50	2,771 74	615 76
3	Boone	3,500 00	3,426 86	73 14
4	Brown	2,000 00		2,000 00
5	Bartholomew	3,500 00	2,446 18	1,053 82
6	Clinton	3,387 50	2,859 24	528 26
7	Carroll	2,900 00	2,171 74	728 26
8	Cass	3,000 00	2,926 86	73 14
9	Clark	3,500 00	1,410 33	2,089 67
10	Crawford	3,500 00	2,535 85	964 15
11	Clay	3,387 50	1,387 50	2,000 00
12	Dearborn	3,500 00	1,500 00	2,000 00
13	Decatur	3,500 00	1,500 00	2,000 00
14	Dubois	3,500 00	2,971 74	528 26
15	Delaware	3,500 00	2,971 74	528 26
16	Daviess	3,500 00	2,882 07	617 93
17	Elkhart	3,500 00	2,971 74	528 26
18	Fountain	2,900 00	900 00	2,000 00
19	Floyd	3,500 00	1,410 33	2,089 67
20	Franklin	3,500 00	1,500 00	2,000 00
21	Fayette	3,500 00	2,971 74	528 26
22	Fulton	2,000 00	1,471 74	528 26
23	Gibson	3,500 00	2,882 07	617 93
24	Grant	3,500 00	2,971 74	528 26
25	Green	3,500 00	3,426 86	73 14
26	Huntington	3,387 50	2,423 35	964 15
27	Harrison	3,500 00	1,410 33	2,089 67
28	Hendricks	3,500 00	2,971 74	528 26
29	Hancock	3,500 00	2,971 74	528 26
30	Hamilton	3,500 00	2,971 74	528 26
31	Henry	3,500 00	2,371 74	1,128 26
32	Jackson	3,500 00	1,310 33	2,189 67
33	Jennings	3,500 00	2,971 74	528 26

34 Jefferson	3,500 00	2,971 74	528 26
35 Johnson	3,500 00	2,971 74	528 26
36 Jay	2,000 00		2,000 00
37 Knox	2,900 00	800 00	2,100 00
38 Kosciusko	2,600 00	2,066 96	533 04
39 Lawrence	3,500 00	2,426 86	73 14
40 Laporte	3,500 00	2,971 74	528 26
41 Lagrange	3,500 00	1,410 33	2,089 67
42 Miami	3,300 00	1,208 39	2,091 61
43 Montgomery	3,387 50	2,859 24	528 26
44 Morgan	3,500 00	3,426 86	73 14
45 Marion	3,500 00	3,070 00	430 00
46 Madison	3,500 00	3,426 86	73 14
47 Martin	3,500 00	2,971 74	528 26
48 Monroe	3,500 00	3,426 86	73 14
49 Marshall	2,000 00	1,926 86	73 14
50 Noble	2,000 00		2,000 00
51 Orange	3,500 00	3,126 86	373 14
52 Owen	3,500 00	3,426 86	73 14
53 Parke	2,900 00	2,371 74	528 26
54 Posey	3,500 00	900 00	2,600 00
55 Perry	3,500 00	1,240 01	2,259 99
56 Pike	3,500 00	2,971 74	528 26
57 Putnam	3,500 00	3,314 36	185 64
58 Porter	2,000 00		2,000 00
59 Ripley	3,500 00	2,946 74	553 26
60 Randolph	3,500 00	2,971 74	528 26
61 Rush	3,500 00	1,900 00	1,600 00
62 St. Joseph	3,500 00	2,971 74	528 26
63 Scott	3,500 00	2,971 74	528 26
64 Switzerland	3,500 00	1,460 10	2,039 90
65 Spencer	3,500 00	3,426 86	73 14
66 Shelby	3,500 00	2,371 74	1,128 26
67 Sullivan	2,900 00	2,371 74	528 26
68 Tippecanoe	2,900 00	900 00	2,000 00
69 Union	3,500 00	2,971 74	528 26
70 Vermillion	2,900 00	2,335 89	564 11
71 Vanderburgh	3,500 00	2,971 74	528 26
72 Vigo	2,900 00	2,371 74	528 26
73 Wabash	3,388 50	2,859 24	528 26
74 Warren	2,900 00	900 00	2,000 00
75 Washington	3,500 00	900 00	2,600 00
76 Warrick	3,500 00	1,400 00	2,100 00
77 Wayne	3,500 00	2,971 74	528 26
78 White	2,487 50	1,959 24	528 26
Wabash appropriation	7,000 00	7,000 00	
	\$381,848 58	\$303,308 52	\$78,540 06

The unpaid balance of appropriations to the several counties, as exhibited in the right hand column of the above table, (except the sum of \$73 14 to each county,) is now on hand and ready for disbursement; notice of which has been regularly given by the Agent, through the public papers, as the money has been received from the U. States.

By this table it will be perceived that there has been specially appropriated to roads, rivers, and counties, the sum of \$381,848 58

The total amount received by the Agent

from the U. S. and State Treasury, is \$380,650 61

From which deduct the amount of incidental expenses

4,617 94

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\$376,032 67

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5,815 91

Exhibiting a balance of appropriation over the amount received from the United States, &c., of \$5,815 91.

This balance, when received and apportioned amongst the different counties, will make a dividend to each, of \$73 14, and which will complete the payment of all existing appropriations.

All of which is respectfully submitted.

N. B. PALMER,  
*Ag't. 3 per cent. Fund.*

TREASURY OFFICE, }  
*Indianapolis, 8th Dec., 1836* }

The President laid before the Senate the following communication from the Branch of the State Bank at Bedford.

Dr. State of the Branch at Bedford of the State Bank of Indiana, on Saturday, November 19, 1836. Cr.

Bills discounted	-	-	164,910 58		Capital Stock paid in	-	-	139,000 00
Domestic bills of Exchange	-	-	80,908 65		Discount	-	-	1,040 97
Suspended debt on Bonds & Mortgages	-	-	1,500 00	247,319 23	Exchange	-	-	461 19
Banking House	-	-	1,503 43		Profit and loss	-	-	1,457 16
Furniture and Fixtures	-	-	127 88		U. S. Pension Agent in Indiana	-	-	7,298 16
Current expenses	-	-		1,631 31	Surplus Fund	-	-	272 49
Deposits in, and dues from other branches and banks, viz:	-	-		329 87	Permanent do	-	-	5,688 91
Branch at Indianapolis	-	-	600 00		Deposits by, and dues to other branches and banks, viz:	-	-	5,888 91
New Albany	-	-	4,594 31		Branch at Madison	-	-	7,459 28
Fort Wayne	-	-	1,850 00		Individual depositors	-	-	26,544 34
Bank of Kentucky	-	-	3,594 00		Dividend No. 1	-	-	24 07
				10,638 31	Do. No. 2	-	-	145 90
Commissioners of Sinking Fund	-	-		30,359 38	Protest	-	-	169 97
Cash—Cents	-	-	10 23		Circulation	-	-	24 34
Other Br's of State B'k of Indiana	-	-	930 00			-	-	198,250 00
Other State Banks	-	-	14,995 00			-	-	386,364 65
United States Bank	-	-	3,080 00			-	-	
Silver—American and Foreign	-	-	71,926 95			-	-	
Gold—American and Foreign	-	-	5,144 37	96,086 55		-	-	
				386,364 65		-	-	

D. R. DUNIHUE, Cashier.

Mr. Colerick presented a petition signed by Andrew Brown and others, praying for the organization of Wells county, and for other purposes; which was referred to a select committee composed of Messrs. Colerick, Liston, and Crawford.

Mr. Dumont presented the petition of Elisha Golay and others, concerning fractional sections No. 7 and 8, and sections No. 5 and 6;

Which on motion of Mr. Dumont, was referred to the committee on Education.

On motion of Mr. Stewart, leave of absence was granted to Mr. Brady.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

I am directed to inform the Senate that the House of Representatives have adopted the following resolution:

*Resolved*, That this House will (the Senate concurring,) proceed to the election of a Secretary of State, and Prosecuting Attorneys in the 2d, 4th, 5th, and 7th Judicial Circuits; that the Senate be invited to attend in the Representative Hall instanter, for the above purposes, and that seats are provided on the right of the Speaker's chair;

Which, on motion, was reciprocated, and Mr. Dunning appointed teller on the part of the Senate.

Mr. Elliott, from the committee on Enrolled Bills reported that they have compared the Enrolled with the Engrossed Bills which originated in the House of Representatives, as follows, to-wit:

No. 1—An act to authorize a special session of the Vermillion Circuit Court;

No. 2—An act to authorize the Johnson Circuit Court to hold a special session;

All of which we find truly enrolled.

Mr. Beard offered the following resolution, which was adopted by consent:

*Resolved*, That the certificates of election of the newly elected Senators, be referred to the standing committee on elections.

Mr. Morgan offered the following resolution:

*Resolved*, That the committee on canals and intereal improvements be instructed to inquire into the expediency of authorizing the board of internal improvement to cause a survey and estimate of a rail road to be made from Rushvill to Cambridge City, being the point where the White-water canal intersects the National road,

Which was adopted by consent.

Mr. Thompson of Lawrence, offered for adoption the following resolution:

*Resolved*, That \_\_\_\_\_ be appointed a committee to wait upon the Judges of the Supreme Court, and ascertain from them whether or not they will consent, and for what amount of compensation, to revise the statutory laws of the state, during the recess between the

adjournment of the present and the meeting of the next session of the General Assembly.

Mr. Morgan moved to fill the blank with Mr. Thompson, which was done;

And on motion, the resolution was laid upon the table.

Mr. Vawter from the joint committee on enrolled bills, now reports that they have compared the enrolled with the engrossed bill of the Senate No. 1, entitled

An act providing for the division of the eighth, and for the formation of the ninth judicial circuits, and for other purposes,

And find the same truly enrolled.

The Senate proceeded to the hall of the House of Representatives for the purpose of entering into the election of a Secretary of State and Prosecuting Attorneys for the 2nd, 4th, 5th, and 7th judicial circuits;

When upon the first ballot for Secretary of State, it appeared that William J. Brown was duly elected, he having received seventy-six votes, and William Sheets having received sixty-nine votes,

And thereupon the President of the Senate declared William J. Brown duly elected Secretary of State for four years from and after the expiration of the term of the present incumbent.

The convention proceeded to ballot for a Prosecuting Attorney of the Second Judicial Circuit,

When upon the first ballot it appeared that John W. Payne was duly elected, he having received one hundred and thirty-five votes—scattering nine votes; and was thereupon declared duly elected.

The convention then proceeded to ballot for a Prosecuting Attorney for the fourth judicial circuit,

When, upon the first ballot, it appeared that John A. Brackenridge was duly elected, he having received eighty-three votes, and E. Edson forty-six votes; James Lockheart twelve votes; scattering four votes; and thereupon, John A. Brackenridge was declared duly elected.

The convention then entered into an election for Prosecuting Attorney for the fifth judicial circuit,

When, upon the first ballot it appeared that William Quarles was duly elected, he having received one hundred and twenty-six votes, Benjamin Buel fifteen votes, scattering one vote, and he was declared duly elected.

The convention then proceeded to ballot for a Prosecuting Attorney for the seventh judicial circuit,

When, upon the first ballot, it appeared that David McDonald was duly elected, he having received ninety votes, C. W. Barber forty-eight votes, scattering one vote, and thereupon David McDonald was declared duly elected. The Senate returned to their chamber, and

On motion, adjourned.



2 o'clock, P. M.

Senate convened.

Mr. Boon presented the following resolution, which was adopted:

*Resolved*, That the Secretary of State, and the Auditor of State, and the Treasurer of State be, and they are hereby requested to report to the Senate the amount of money they each receive of the State per annum, by virtue of their offices, setting forth each item separately.

Mr. Mitchell proposed the following resolution:

*Resolved*, That the Secretary of State be required to communicate to the Senate a statement of the number of convicts sent to the state prison within the last three years, and how many were there previous to that period, and for what causes they were committed, and for what periods of time; how many have been pardoned, and at what times they were pardoned, and for what cause or causes they were pardoned.

Mr. Boon moved to strike out the words "and for what cause or causes they were pardoned;" which was accordingly done.

Mr. Claypool moved to strike out "Secretary of State," and insert "committee on the State Prison;"

Which was decided in the affirmative, and then the resolution as amended, was adopted.

On motion of Mr. Claypool,

Mr. Ewing was added to the committee on canals and internal improvements.

Mr. Stanford offered the following resolution, which was adopted:

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the law on the subject of common schools as to allow each school district of any township having school funds, to draw a fair proportion thereof according to the number of children therein, between the ages of five and twenty one years; said moneys when drawn to be applied to no other use or purpose whatever than that of supporting common schools.

Mr. Clark proposed the following resolution, which was adopted:

*Resolved*, That the standing committee on education be instructed to inquire into the expediency of authorizing the trustees of any school district to apply the dividend of the interest accruing to such district upon moneys arising from the sale of the school sections of their proper townships, and also their dividend of the annual revenue set apart for the support of township schools, and also the surplus revenue from rents or otherwise, to aid in the building of school houses.

On motion of Mr. Vawter, the following resolution was taken from the table:

*Resolved*, That the public printer be required to print \_\_\_\_\_ copies of the Journal of the Senate, during the present session of the General Assembly.

Mr. Mitchell moved to fill the blank with "twenty-five copies to each Senatorial district;"

Which was decided in the negative; and,

On motion of Mr. Morgan,  
The blank was filled with "five hundred."

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. President—

The Speaker of the House of Representatives having signed engrossed bills of the House of Representatives,

No. 1—An act to authorize a special session of the Vermillion circuit court; and

No. 2—An act to authorize the Johnson circuit court to hold session. I am directed to bring them to the Senate for the signature of the President thereof.

Mr. Mitchell proposed the following resolution, which was adopted:  
*Resolved*, That the judiciary committee be instructed to inquire into the expediency of making a legal provision requiring insolvent plaintiffs to give security for costs.

Mr. Smith proposed the following resolution:  
*Resolved*, That the committee on ways and means be intrusted to prepare a full and complete exhibit in tabular or other form, of the receipts and expenditures of the public money, showing from what source derived, and for what purposes expended, as required by the 22d section, 3d article of the constitution; and for the purpose of enabling said committee to procure the necessary information they are hereby authorized and required to call upon all or any of the state authorities charged with receiving and disbursing public moneys.

Mr. Sigler moved to amend said resolution by authorizing said committee to inquire into the expediency of preparing an exhibit, &c.;

Which was agreed to, and the resolution as amended adopted.

On motion of Mr. Conwell,  
Mr. Smith was added to the committee on ways and means.  
Mr. Dumont from the select committee, to whom was referred a bill changing the time of holding the courts in part of the 3d judicial circuit, reported the same without amendment; and

On motion of Mr. Dumont,  
It was laid upon the table.

Mr. Vawter from the joint committee on enrolled bills, made the following report:

Mr. Vawter from the joint committee on enrolled bills now reports, that they did this day, present to His Excellency the Governor, for his approval and signature an enrolled bill,

No. 1—of the Senate, entitled an act providing for the division of the 8th, and for the formation of the 9th judicial circuits, and for other purposes—also an enrolled bill,

No. 1—of the House of Representatives, entitled an act authorizing a special session of the Vermillion circuit court—also an enrolled bill,

No. 2—of the House of Representatives, entitled an act authorizing the Johnson circuit court to hold a special session.

On motion,  
The Senate adjourned.

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SATURDAY, DECEMBER 10, 1836.

Senate assembled.

The following communication was received from his Excellency, the Governor:

*To the Hon. David Wallace,  
President of the Senate:*

Douglass Maguire is appointed to deliver any communication necessary from this department to the Senate. N. NOBLE.

Mr. Fowler presented a remonstrance signed by S. S. Ingersoll and others, remonstrating against a change in the state road leading from Greensburgh, by way of Goshen to Columbus, which

On motion of the same gentleman, was laid upon the table.

Mr. Thompson from the Judiciary Committee made the following report, which was laid upon the table:

MR. PRESIDENT—

The Judiciary committee, to whom was referred the resolution of the Senate instructing them to inquire into the expediency of repealing the act entitled "An act organizing Probate Courts, and defining the powers and duties of Executors, Administrators, and Guardians," approved February 10th, 1831, so far as said act organizes said court, and into the expediency of transferring all the powers and duties of said court to the circuit courts, or of organizing circuit probate courts, have had the several propositions under consideration, and have instructed me to report to the Senate, for its adoption, the following resolution:

*Resolved*, That the Judiciary committee be instructed to report to the Senate a bill repealing so much of an act entitled "An act organizing probate courts, and defining the powers and duties of Executors, Administrators, and Guardians," approved February 10, 1831, as relates to the organization of said courts, that they constitute, by said bill ——— Probate Circuits, provide for the election of Probate Circuit Judges therein, and transfer to the courts of said circuits, all the business of the said probate courts, and all the powers created by said act.

The following communication was received by Mr. Maguire, the Governor's Secretary:

MR. PRESIDENT—

I am requested to inform the Senate that the Governor has approved and signed an act which originated in the Senate, entitled

An act for the division of the eighth, and for the formation of the ninth Judicial Circuits, and for other purposes.

Also, an act which originated in the House of Representatives, entitled

An act to authorize the Johnson Circuit Court to hold a special session.

Mr. Liston, from the select committee to whom was referred the petition of John Grant and others, made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of John Grant and others, have had the same under consideration, and have directed me to report a Bill;

Which bill having been reported and read the first time,

Mr. Liston moved to dispense with the rules of the Senate, and read the bill a second time, which was decided in the negative.

The following resolution proposed by Mr. Liston was adopted:

*Resolved*, That the Senate will, the House of Representatives concurring, proceed instantler to the election of a President Judge for the eighth and ninth, and Prosecuting Attorneys for the eighth, ninth, and sixth Judicial Circuits;

Mr. Liston was appointed teller.

Mr. Sigler proposed the following for adoption:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of forming an additional Judicial Circuit out of the fourth, fifth and seventh Judicial circuits, with leave to report by bill or otherwise, which,

On motion of Mr. Claypool, was laid upon the table.

The following communication was received from the Sergeant-at-Arms:

In obedience to the resolution of the Senate, the Sergeant-at-Arms applied to the Editors of the Indiana Journal, Indiana Democrat and to the Indiana Farmer, to ascertain upon what terms they would furnish to each member of the Senate, five copies of their respective papers during the present session, to which they made the proposition accompanying this report, signed by the Editors, and which was acceded to.

GEORGE W. MOORE,

*Sergeant-at-Arms.*

The Indiana Journal, Indiana Democrat, and Indiana Farmer, will be furnished to the members of the Senate during the present session

of the General Assembly, at the same rate that we furnish our subscribers, which is a fraction less than four cents per copy.

DOUGLASS & NOEL,  
M. M. HENKLE,  
BOLTON & LIVINGSTON,

*Indianapolis, Dec. 5, 1836.*

Mr. Morgan moved that the contract be concurred in;  
Which was done by consent.

The following message was received from the House of Representatives, by Mr. Elliott, their Clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have reciprocated the resolution of the Senate relative to the election of President Judges of the 8th and 9th judicial circuits, and Prosecuting Attorneys for the 6th, 8th and 9th judicial circuits instant, and that the Senate are requested to attend in the Representatives Hall, and that seats are provided for them on the right of the Speaker's Chair.

Mr. Hubbard is appointed teller on the part of the House of Representatives;

Whereupon,

The Senate proceeded to the Hall of the House of Representatives and entered into an election for President Judge of the 8th judicial circuit;

When, upon the first balloting it appeared that Charles W. Ewing received 128 votes, Wm. O. Ross 7 votes, scattering 7 votes, and

C. W. Ewing was thereupon declared duly elected.

The convention then proceeded to ballot for a president judge for the 9th judicial circuit;

When, upon the first balloting it appeared that Samuel C. Sample was duly elected, he having received 128 votes, scattering 14 votes; and

Thereupon,

Samuel C. Sample was declared duly elected president judge of the 9th Judicial circuit.

The convention then proceeded to ballot for a prosecuting attorney for the 6th judicial circuit;

When, upon the second balloting it appeared that Samuel W. Parker was duly elected, he having received 77 votes and David Kilgore 67 votes; and

Samuel W. Parker was accordingly declared duly elected.

The convention then proceeded to ballot for a prosecuting attorney for the 8th Judicial circuit;

When, upon the second balloting it appeared that Thomas Johnson was duly elected, he having received 84 votes, Daniel D. Pratt 42 votes, John W. Wright 16 votes; and

Thereupon,

Thomas Johnson was declared duly elected.

The convention then proceeded to the election of a prosecuting attorney for the 9th judicial circuit;

When, on the first ballot it appeared that Joseph L. Jernegan was duly elected, he having received 108 votes, scattering 24 votes; and

Thereupon,

Joseph L. Jernegan was declared duly elected.

Senate returned to their chamber.

Mr. Collins offered the following resolution, which was adopted:

*Resolved*, That the President and Directors of the State Bank, and the President and Directors of each one of the Branches thereof, that have not already reported according to their charter to the Senate, be allowed until the third Monday in the present month to make the same.

Mr. Thompson of L. offered the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn until Monday morning, 9 o'clock;

Which was adopted.

On motion

The Senate adjourned.

MONDAY, DECEMBER, 12, 1836.

Senate assembled.

The President laid before the Senate the following report from the Branch at Madison of the State Bank of Indiana, which,

On motion of Mr. Collins, was referred to the Standing Committee on the State Bank.

*State of the Branch at Madison of the State Bank of Indiana, on 19th  
November, 1836.*

Dr.

Bills discounted	-	-	-	170,532	21
Domestic Bills of Exchange	-	-	-	269,107	02
Banking House	-	-	-	8,614	67
Furniture and Fixtures	-	-	-	564	24
Current Expense	-	-	-	362	55
				<hr/>	
				926	79

Deposits in, and Dues from other Branches  
and Banks, viz:

Branch at Evansville	-	-	25,524	32
Vincennes	-	-	21,557	95
Bedford	-	-	7,459	28
Terre-Haute	-	-	44,865	05
Lafayette	-	-	40,699	56
Northern Bank of Kentucky, at Lexington	-	-	1,994	77
Merchants' Bank of Baltimore	-	-	1,297	59
Louisville Savings Institution	-	-	31,530	58
Commercial Bank of Cincinnati	-	-	54	35
Northern Bank of Kentucky, Louisville	-	-	18,931	91
Bank of Kentucky, Louisville	-	-	10,117	23
Bank of Louisville	-	-	23,238	65
B'k of Ohio Life Insurance & Trust Co.	-	-	5,681	98
Lafayette Bank of Cincinnati	-	-	24,012	13
Ohio Life Insurance & Trust Co.	-	-	101,271	15
Merchants' Bank of New York	-	-	33,533	80
Mechanics' Bank of Philadelphia	-	-	2,295	56
				<hr/>
				394,075 86
Cash, viz: On our own Branch notes	-	-	45,370	00
Other Br's of State Bank of Ia.	-	-	2,365	00
Other State Banks	-	-	18,482	75
United States' Bank, and Eastern	-	-	9,875	00
Silver—American and Foreign	-	-	137,742	46
Gold—American and Foreign	-	-	13,004	84
				<hr/>
				226,840 65
				<hr/>
				\$1,070,096 60

*State of the Branch at Madison of the State Bank of Indiana, on 19th  
November, 1836.*

Cr.

Capital Stock paid in	-	-	-	\$202,996 88
Profit and Loss	-	-	-	18,468 04
Treasurer of United States	-	-	-	347,602 83
Surplus Fund	-	-	-	19,133 25
Permanent Fund	-	-	-	200 00
Deposits by, and dues from other Branches and Banks, viz:				
Branch at Indianapolis	-	-	130,046 53	
Richmond	-	-	2,053 06	
New Albany	-	-	8,636 14	
Fort Wayne	-	-	4,896 48	
Commercial Bank of New Orleans	-	-	4,231 48	
Agency Commercial B'k Cincinnati, St. Louis	-	-	5 25	
M. & M. Bank of Wheeling	-	-	324 62	
Miami Exporting Company	-	-	66 71	
Clinton Bank of Columbus	-	-	100 00	
Bank of Pittsburgh	-	-	279 26	
Lancaster Ohio Bank	-	-	787 75	
Franklin Bank, Cincinnati	-	-	564 24	
B'k of the Valley of Virginia, Winchester	-	-	2 95	
M. & M. Bank of Pittsburgh	-	-	6,481 85	
Commercial Bank of Sciota	-	-	2,228 21	
				<hr/> 1,660,704 53
Circulation	-	-	-	280,000 00
Individual Deposites	-	-	-	40,991 07
				<hr/> <hr/> \$1,070,096 60

JOHN SERING, *Cashier.*

BRANCH STATE BANK OF INDIANA, }  
Madison, Nov. 19, 1836. }

I certify that the within statement gives the true condition of the above Branch, on Saturday the 19th November, at 2 o'clock, P. M. That the value of the Banking House and Lot is now more than \$10,000; its cost being only \$8,614 67. We own no other real estate, nor has this Branch any under mortgage. We have no debt in suit, nor have we created one bad debt. This Branch discounts no paper having more than four months to maturity.

The following is a list of the Officers of this Branch, with their salaries, viz:

J. F. D. Lanier, President	-	\$1,000
John Serring, Cashier	-	1,400
Isaac C. Lea, Clerk	-	600

J. F. D. LANIER, *President.*



Mr. Dunning presented the petition of John Bushkirk and others, praying the General Assembly to legalize, in a certain instance, the proceeding of the Green county probate court;

Which was referred to the committee on the judiciary.

Mr. Crawford presented the petition of sundry individuals, praying for the organization Steuben county, which

On motion, was referred to a select committee, composed of Messrs. Crawford, Liston, and Colerick.

Mr. Milroy presented the petition of Abraham Hornback, and others, praying for a state road commencing in the Lafayette and Chicago state road, at Aaron Finch's farm, thence on the nearest and best route by way of Abram Hornback's to Delphi;

Which was referred to the standing committee on roads.

Mr. Chambers presented a petition signed by I. H. Campbell and others, citizens of Orange county, praying that the present probate law be so amended as to give the Legislature the power of electing probate judges, learned in the law, &c., which,

On motion of Mr. Chambers, was referred to the Judiciary committee.

Mr. Collins presented the petition of George W. Wolf and others, praying for a rail or McAdamized road from New Albany to the Wabash river, opposite Mount Carmel in Illinois,

Which was referred to the committee on canals and internal improvements.

Mr. Stuart presented a petition signed by M. W. Foster and others, praying for the passage of an act authorizing the election of Trustees of the county library of Pike county, and for other purposes, which was referred to the judiciary committee.

Mr. Morgan proposed the following resolution, which was adopted:

*Resolved*, That the committee of ways and means be instructed to inquire and report to the Senate whether the salaries of the Judges of the Supreme and Circuit Courts as fixed by law, are such as will ensure the best interests of the State.

Mr. Clark proposed for adoption the following resolution, which was passed by consent.

*Resolved*, That the standing committee on the judiciary be instructed to report a bill accepting that portion of the surplus revenue of the United States allotted to the State of Indiana by the act passed at the last session of Congress providing for the distribution of the surplus revenue.

The following resolution proposed by Mr. Bell, was adopted:

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of authorizing a survey and estimate of the practicability of a rail or turnpike road from Shelbyville in Shelby county, via Greenfield in Hancock county, to Pendleton, Huntsville, and to Andersontown in Madison county, with leave to report by bill or otherwise.

On motion of Mr. Vawter, the following resolution was taken from the table:

*Resolved*, That it be highly expedient that the present General As

sembly go into a revision and compilation of the statute laws of the state at the present session.

Mr. Clark offered to amend by striking out the words "that it is highly expedient that the present General Assembly go into a revision," and insert the words "That the present General Assembly will provide for the revision and compilation of the statute laws;"

Which amendment was adopted, and then the resolution as adopted assed.

Mr. Thompson of L., moved to take his resolution in reference to the employing the Supreme Judges to revise the statute laws, from the table, which was accordingly done and adopted.

Mr. Puet proposed for adoption the following resolution:

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of so amending the revenue laws as to transfer the collection of all moneys hereafter levied by the proper authority for road purposes to the Supervisors of each road district within the several counties in this State; also to inquire into the expediency of allowing all persons charged with said tax the right either to discharge the same either in labor or money, at the option of the person owing the same.

Mr. Smith moved to amend said resolution by inserting after the word "labor," the words "at the rate of seventy-five cents per day;"

Which amendment was adopted.

And on recurring to the resolution as amended, it was also adopted.

Mr. Trask proposed the following resolution, which was adopted.

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so altering the laws regulating witnesses' fees in criminal prosecutions, as to have it definitely understood that they shall receive the same compensation in cases of acquittal as in cases of conviction, with leave to report by bill or otherwise.

Mr. Smith proposed the following resolution, which was adopted:

*Resolved*, That the standing committee on canals and internal improvements be instructed to inquire into the expediency of taking one hundred and fifty thousand dollars in stock in the Vevay and Napoleon Turnpike Company, and a like sum of one hundred and fifty thousand dollars of stock in the Aurora and Napoleon Turnpike Company.

Mr. Everts offered the following resolution, which was adopted:

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the present school law as to make the lands of township, county, and state non-resident, subject to be taxed for the building of school houses in school districts and to provide by law the mode of collecting the same, with leave to report by bill or otherwise.

Mr. Fowler proposed the following resolution:

*Resolved*, That the committee on military affairs be instructed to inquire into the expediency of so amending the law on that subject, that all persons over the age of forty years shall be exempt from militia duty in time of peace, with leave to report by bill or otherwise.

Mr. Dumont moved to amend said resolution by inserting the following in its stead:

"That the committee on military affairs be instructed to inquire into the expediency of so amending the present militia law as to enrol all able bodied male persons between the ages of eighteen and forty-five, and to call into active service, except in time of insurrection or invasion, or to aid the civil authorities, only those between the ages of eighteen and twenty-five years;

Which amendment was agreed to.

Mr. Colerick proposed further to amend said resolution by adding the following: "and to make such other amendments to the present law for the organization of the militia, as they may deem expedient;"

Which amendment was agreed to, and the resolution thus amended, was adopted.

Mr. Daily proposed for adoption the following resolution, which was agreed to:

*Resolved*, That the Secretary of State be respectfully requested to lay before the Senate a full and complete statement of all convicts which have been pardoned in the last three years, and for what crimes said pardoned convicts were sentenced.

Mr. Brady moved to re-consider the resolution adopted on Saturday, giving the Directors of the State Bank and its branches, further time to make their reports;

Which was decided in the negative.

Mr. Vawter proposed the following resolution:

*Resolved*, That the committee on canals and internal improvements inquire into the expediency of providing by law for the construction of the Jeffersonville and Columbus McAdamized or rail road, so soon as the same can be done consistently with the interest of the State, and without prejudice to the construction of public works already provided for.

Mr. Daily moved to strike out all after the words "railroad."

Mr. sigler moved to lay said resolution on the table,

Which motion was decided in the affirmative.

Mr. Plummer offered for adoption the following resolution:

*Resolved*, That the judiciary committee be requested to inquire into the expediency of passing a law authorizing each town or township in Indiana to erect a house of correction for the chastisement of all persons who may be found intoxicated or dissipated by the use of ardent spirits, with leave to report by bill or otherwise.

Mr. Moore moved to amend said resolution by inserting "prison" instead of "house of correction;"

Which was decided in the negative.

Mr. Thompson of P. moved to lay said resolution on the table;

Which was decided in the negative.

Mr. Smith moved to amend said resolution by striking out the word "correction" and inserting "reformation;"

Which was decided in the negative; and,

Upon putting the question, on the adoption of the resolution,

*Those who voted in the affirmative are,*

Messrs. Boon, Clark, Collins, Conwell, Everts, Mitchell, Plummer, Turman, and Trask—9.

*And those who voted in the negative are,*

Messrs. Beard, Bell, Bradbury, Brady, Casey, Chambers, Cole, Claypool, Colerick, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Kennedy, Liston, Little, Milroy, Moore, Morgan, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Thompson of P., Thompson of L., Thompson of J., Vawter and Walker—35. 38

And so the resolution was decided in the negative.

On motion,

The Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The following message was received from the House, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House of Representatives,

No. 5—To legalize the election of a Probate Judge in Porter county; and

A joint resolution of the General Assembly of the State of Indiana, No. 10—Relative to the payment of postage;

In which the concurrence of the Senate is requested.

The engrossed bill of the House of Representatives,

No. 5—to legalize the election of a Probate Judge in Porter county, Was read once and passed to a second reading.

The joint resolution of the General Assembly of the State of Indiana, No. 10—Relative to the payment of postage,

Was read once, and

On motion of Mr. Dunning,

The rules of the Senate were dispensed with and the joint resolution read a second time.

Mr. Dunning moved to refer said resolution to a select committee; Which was decided in the negative.

Mr. Clark moved to strike it out from the resolving clause;

Which was decided in the negative.

Mr. Conwell moved to amend said joint resolution by adding the following proviso:

*Provided, however,* That on all letters and documents sent by members to their constituents the post master on presenting said account

on oath, of letters and documents, shall be entitled to receive the amount of the same from the collectors of the county in which said post office is situated;

Which was decided in the negative.

Mr. Thompson of P. moved to strike out of said resolution the following words:

A copy of which he shall at the close of the present session hand over to the post master, on which he shall certify to its correctness;

Which amendment was adopted.

On motion of Mr. Dunning,

The joint resolution as amended was referred to a select committee.

Messrs. Dunning, Clark and Thompson of Perry composed said committee.

Mr. Conwell offered for adoption the following resolution:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of authorizing the Board of Internal Improvements to construct the locks on the canals of a sufficient width to admit flat boats, such as are used in the salt, coal, and New Orleans trade: and also to inquire into the expediency of the said board having authority to construct McAdamized roads on the borders of the canals and fix toll gates, when they may deem it a profitable investment for the state, with leave to report by bill or otherwise;

Which was by consent adopted.

Mr. Thompson of P. offered for adoption the following resolution; Which was adopted.

*Resolved*, That the judiciary committee be instructed to inquire into the propriety of so amending our statutes in relation to delivery bonds as to provide, when property is not delivered according to the tenor of such bond, it shall for all purposes in liens, have the force and effect of a stay or replevin bond.

On motion of Mr. Thompson of L.,

The resolution of the judiciary, relative to the re-organization of the Probate court was taken from the table.

Mr. Stanford moved to amend said resolution as follows:

That it be referred back to the judiciary committee with instructions to report a bill making it the duty of the several circuit judges to transact the probate business, constructing a court for that purpose to be holden either immediately preceding or immediately succeeding the circuit courts in each county, and to enable the circuit Judges so to do, contract the old circuits and form as many new ones as may be necessary.

On motion,

The Senate adjourned.

TUESDAY, DECEMBER 13, 1836.

Senate assembled.

On motion of Mr. Stanford,  
Mr. Claypool had leave of absence.

The President laid before the Senate the following report from the  
Branch of the State Bank at Fort Wayne;

Which was referred to the committee on the State Bank.

To the Honorable the Senate, of the State of Indiana, the undersigned  
Directors of the Branch at Fort Wayne of the State of Indiana, re-  
port the following as the condition of said Branch, on the afternoon  
of the third Saturday of November, 1836.

*State of the Branch at Fort Wayne of the State Bank of Indiana, on Sat-  
urday, November 19, 1836.*

Dr.

Notes and bills discounted . . . . .	\$162,104 90	
Bills of Exchange and notes purchased . . . . .	24,387 37	
	<hr/>	\$186,492 27
Banking House Lot . . . . .	1,500 00	
Materials for Banking House . . . . .	400 00	
Furnitures and Fixtures . . . . .	408 70	
Current expenses . . . . .	54 12	
	<hr/>	2,362 82
Due from Branch Bank Madison, . . . . .	2,298 66	
"          New Albany . . . . .	876 56	
"          Lafayette . . . . .	4,039 74	
"          Richmond . . . . .	400 77	
Phenix Bank New York . . . . .	6,318 35	
Bank of Baltimore . . . . .	109 36	
"    Pennsylvania . . . . .	224 78	
"    Dayton . . . . .	400 00	
Remittance to New York . . . . .	800 00	
	<hr/>	15,468 22
Cash, viz: . . . . .		
Bills of other Branches . . . . .	6,335 00	
"    other State Banks . . . . .	20,600 00	
Gold . . . . .	11,725 15	
Silver . . . . .	129,136 37½	
	<hr/>	167,796 52½
	<hr/>	372,119 83½

*State of the Branch at Fort Wayne of the State Bank of Indiana, on Saturday, November 19, 1836.*

**Cr.**

Capital Stock . . . . .		\$86,703 12½
Profit and Loss . . . . .	7,531 27	
Discount . . . . .	370 83	
Exchange . . . . .	231 72	
Interest . . . . .	32 50	
		8,166 32
Surplus Fund . . . . .		3,886 71
Due Branch at Indianapolis	39,444 80	
"    Lawrenceburgh	86,825 35	
"    Terre-Haute	1 64	
Urbanna Banking Company	346 44	
		126,618 23
Individual deposits . . . . .		48,425 45
Circulation . . . . .		98,320 00
		<u>\$372,119 83½</u>

**OFFICERS OF BRANCH.**

**COMPENSATION.**

Allen Hamilton, <i>President</i> , . . . . .	
H. McCulloch, <i>Cashier</i> , . . . . .	\$1,000 00
M. W. Hubbell, <i>Clerk</i> , . . . . .	650 00
Rent of Banking House, . . . . .	125 00

R. J. DAWSON,  
JOSEPH MORGAN,  
SAMUEL EDSALL,  
JOS. SINCLEAR,  
FRANCIS COMPARET,  
ASA FAIRFIELD,  
SAMUEL LEWIS.

The President laid before the Senate the following report from the Commissioners of the Sinking Fund:

Which,

On motion of Mr. Mitchell,

Was laid on the table, and 500 copies were ordered to be printed.

To the Honorable,

*the Senate of the State of Indiana, in session.*

The Commissioner of the Sinking Fund, in obedience to law, submit their Report of the operations and situation of said Fund, on the 7th day of December, 1836:

The sources from which the means of the Fund have arisen, are as follows:

The bonds of the State given for loans for Bank Stock, and Stock loans, with the payment of the interest on which, and the liquidation of the principal, this Board is charged, are, (exclusive of those given in November last:)

Bonds given Sept., 13, 1834, payable in	
30 years, . . . . .	\$500,000
Bonds given August 10, 1835, payable in	
30 years, . . . . .	400,000
Bonds given August 18, 1835, payable in	
30 years, . . . . .	50,000
	<hr/>
	\$950,000 00

There has accrued to the Fund from Pre-	
mium on State loans, . . . . .	25,096 92
From dividend on State Bank Stock, . . . . .	78,600 00
From interest on Loans to stockholders, . . . . .	6,831 13
From interest on current loans . . . . .	14,604 54
From interest and premium account, . . . . .	1,618 00
	<hr/>
	\$126,750 59

\$1,076,750 59

The resources of the Fund, and the liabilities liquidated are as follows:

The Capital Stock owned and paid for by the State in the eleven organized Branches, (exclusive of the instalments, provided for by loan consummated in November last,) the dividend from which accrues to this Fund is

The amount of loans to stockholders on mortgages, deducting re-payments, and reduction by the surplus over interest of the dividend thereon is	\$700,000 00
The amount of current loans on mortgages, in sums not over \$500, leaving 8 per cent. interest, is	109,086 01
The amount of funds subject to this Board, arising principally from the late dividend, and not required for interest falling due on State Bonds, is	153,475 64
	22,213 50
	<hr/>

\$984,775 15

There has been paid for interest on the State Bonds for Bank Stock, including that falling due on Jan. 1, 1837,

Do for expense of contracting the State loans,	\$86,878 34
Do for transportation of specie,	3,062 29
Do for current expenses of the board, and loaning and printing,	690 45
	1,344 36
	<hr/>

91,975 44

\$1,076,750 59



The loan required by the State for the year 1836, in relation to the Bank, being \$140,000 was effected at a premium of one per cent., of which the principal and part of the premium being \$143,000, was paid at New York to the President of the State Bank on November 1, 1836. This sum is in application to the several Branches, in payment for the State stock and loans to stockholders, but on account of the late period of the payment of the loan, and otherwise, these operations have not been so far closed, as to bring their results, with the unapplied balances, as yet to the hands of this Board. Interest is accruing on this loan also since 1st Nov. last, payable 1st Jan. next, for which provision has been made.

From the rigid system adopted of requiring a perfect title on record, and the careful inspection of the estimates of land proposed for mortgage, no doubt is entertained of the safety of the loans; and the continual applications evince, that this is a mode of loaning, not only secure and profitable to the State, but acceptable to the community, and especially to farmers, on account of its permanency, its rate, and the kind of security required. Although the rate of interest is not so high as is the present estimate of money in the State, yet as all expenses of perfecting titles, and recording is incurred by the applicant, as it is desirable that it should be permanent, and as at this rate of eight per cent. per annum in advance, the Fund will double itself in nine years, it is deemed by the Board to be well adjusted.

It will be seen by the above exhibit, that the means of the Fund, including the Bank Stock, amount to	\$984,775 15
To which may be added, as the State's interest in the surplus fund in the Branches,	60,687 77
And also the interest running on current loans, say at this time,	9,650 00
	<hr/>
	1,055,112 92
The Fund is chargeable with the payment of the State Bonds,	950,000 00
	<hr/>
	105,112 92
Of this balance, there has arisen from premium on State Bonds,	25,096 92
	<hr/>
Leaving as the neat amount of the Fund, after providing for the State's obligations, and the liabilities of the Fund,	<u>\$80,016 00</u>

In regard to the result of these operations, it is proper to observe, that \$500,000 of the State loan was borrowed in Sept., 1834, and at interest against the Fund until November, 1834, before it could be made operative either in banking or loans; and the remaining \$450,000 has only been available since November, 1835. In addition to which, the cost of the organization of the several Branches has been paid out of the profits arising from the banking operations; and the expenses of contracting for the loans, as well as transporting specie have been

charges against the Fund, which will not recur, except to some extent, in completing the instalments at Fort Wayne, and the stock in the twelfth Branch.

The prospect is thus favorable, that the Fund, if carefully guarded, will accumulate with a rapidity, beneficially available in advancing the prosperity of the State.

The prominent danger in this mode of loaning is, that, from the prevalent disposition to estimate real estate far above its former standard or its possible product, from the general expectation that this increase of the value of land and lots is still to be rapidly progressive, and from the fact that the borrower is to get but half of the amount of their appraisement, the appraisers will be so far unintentionally influenced, that a reduction of the price of real estate might leave the Fund embarrassed with dead securities, which could not be made to realize but a moiety of the money loaned upon it. In illustration of this, applications have not unfrequently been made for \$200 to be borrowed on 80 acres of land, which three or four months previous had cost \$100 at the land office, and yet of which a regular appraisement is produced of its being worth \$400. Experience has convinced this Board, that the Fund, if freely committed to the multiplied demands and extravagant estimates, which neighbors mutually and honestly make of each other's property, would become the holder of large amounts of over-estimated real estate; and its safety, its profits, and its diffusive benefits to the community, by successive re-loaning, would be materially crippled; and the Fund, instead of being a relief to the State, might, to discharge the obligations devolved upon it, itself become a burden and a charge.

Another important point to be guarded, and in which unexpected difficulties have arisen is, that but a small proportion of the real estate in this State, so far as it has come under the view of this Board, is held by a perfect chain of title from its proper source, duly recorded. The carelessness in having the patent, or other original source recorded, in having dower legally released, the conveyances duly witnessed, and the chain of title connected, may be said to be almost universal. Even the origin of the title to the lots in some of the older towns of the State was not put on record, until the operations of this Board made it requisite. Purchasers are satisfied with a general warranty from the seller, without looking further, and thus without a good foundation, many fabricks of title are erected, which in a court of justice cannot be sustained.

We trust the operations of this Fund have been of some value already in this respect, and if a uniformity is pursued, and rigid system firmly adhered to, the purification and perfection of the titles of borrowers to their real estate, will not be among the least of the benefits of the Sinking Fund to the community.

Respectfully submitted,

SAMUEL MERRILL, *President.*

LUCIUS H. SCOTT,

ROBERT MORRISON,

CALVIN FLETCHER,

ALEXANDER WORTH,

} *Com'rs.*

The following report of the Treasurer of State was laid before the Senate by the President, which

On motion of Mr. Brady, was laid upon the table and 500 copies ordered to be printed.

Hon. DAVID WALLACE,

*President of the Senate:*

Herewith are transmitted to be laid before the Senate,

1st. The Treasurer's Report of the general state of the Treasury,

2d. The Loan Office Report—Statement A, presenting the operations of that Department, in reference to the College Fund—Statement B, the Saline Fund; and Statement C, the Congressional Township Fund,

3d. A List of Borrowers of the College Fund—of the Saline Fund, and of the Congressional Township Fund,

4th. The items of the Contingent Expenses, and

5th. A bill of the purchase and cost of Stationary.

*Treasurer's Office, 10th December, 1836.*

N. B. PALMER.

TREASURY DEPARTMENT, }

*Indianapolis, Dec. 10th, 1836.* }

The Treasurer of State, in obedience to the directions of the act concerning the Auditor of Public Accounts and Treasurer of State, submits the following report of the revenue and expenditures of the State, and the operations of the Loan Office, &c., from the 1st of December 1835 to the 1st of December 1836.

There was a balance remaining in the Treasury at the close of the last financial year, of \$6,137 31, as follows, to wit:

Funds of the Treasury proper	\$663 06	
College Funds	4,891 81	
Saline Funds	582 44	
	————	\$ 6,137 31
Receipts during the fiscal year		
From revenue of 1827	\$ 145 79	
“ 1834	3 69	
“ 1835	50,569 57	
“ 1836	560 00	
	————	51,279 05
Rents paid by Superintendent of State Prison	700 00	
From sales of Michigan Road Lands	38,031 17	
“ lots &c. at Indianapolis	1,342 56	
Loans of Indianapolis Fund, refunded	1,041 60	
Interest on loans of Indianapolis Fund	218 78	
Estate without heirs	586 94	
Incidental payments	16 75	
Congressional Townships	438 06	
Militia fines	33 00	

The receipts in the College Branch of the Loan Office Department have been, from William Alexander, Commissioner of Reserve township in Monroe county

James Smith, Gibson county	\$ 1,650 89	
Loans refunded	3,477 91	
Interest on Loans	6,961 05	
Sales of Mortgaged Lands	3,345 87	
	832 84	
		16,268 56

The amount paid into the Treasury of Saline Fund appertaining to the Loan Office has been:

From Andrew Wilson, Commissioner of Saline

Lands in Orange county	\$ 3,921 74	
" Loans refunded	510 00	
" Interest on Loans	1,202 89	
" Rents of Salt Lick Reserves	270 12	
		5,904 75

Amount overpaid by the Treasurer of State

4,265 61

\$126,264 14

The Expenditures during the same period have been:

Pay and mileage of Members of the Legislature, including Clerks, Doorkeepers, &c.

	\$19,073 68	
Printing and Stationary	6,348 51	
Specific appropriations	5,459 18	
Contingent expenses	1,047 62	
Premium on Wolf Scalps	512 50	
		\$32,441 49

Pay of Probate Judges

(Probate Warrant No. 1935, \$15, outstanding)

Pay of Executive Officers

" Judges of Supreme and Circuit Courts

" Circuit Prosecutors

" Adjutant and Quarter-master Generals

	2,929 50	
	2,700 00	
	8,657 25	
	1,287 50	
	192 00	
		15,766 25

Payments on account of State House

" " " Prison

" " " Library

" " " Seat of Government

Presidential Election

Estates without heirs, refunded

Michigan Road Scrip redeemed

Michigan Road

The disbursements on account of the College branch of Loan Office have been, Indiana College, including incidental expen-

ies of Loan Office	\$ 3,804 67	
Loans of College Fund	16,392 34	
	<hr/>	20,197 01
Payments on account of Saline side of Loan Office, as follows:		
Amount of Loans	\$ 6,425 00	
Saline Fund expenses	139 86	
	<hr/>	6,564 86
Congressional township fund transferred		988 06
		<hr/>
		\$126,264 14

The available means of the Treasury for the ensuing year, may be estimated as follows:

Revenue of former years	500 000
Revenue of 1836 yet due	62,500 00
Rents from Superintendent of State Prison	3,620 00
	<hr/>
	\$66,620 00

The expenses will most probably be	
For Salaries of Judges and Prosecutors	\$ 12,000 00
Executive Officers	2,600 00
Printing, Stationary, and distributing the Laws	6,000 00
Legislature	28,000 00
Contingent and specific appropriations	3,000 00
Probate Judges	2,500 00
Wolf Scalps	700 00
State Prison	2,000 00
State Library	200 00
Adjutant and Quarter-master Generals	150 00
Presidential Election	400 00

To which may be added the present deficit of the Treasury including all unaudited and other claims	15,000 00
	<hr/>
	\$72,550 00

Leaving the Treasury in debt on the 30th Nov. 1837, \$5,930 00

The balance of the revenue of 1835, with a slight exception, was paid into the Treasury with the same promptness which had attended the collections of previous years.

We have no data founded upon actual experience, upon which to base an opinion, favorable or unfavorable to the ad valorem law under which our assessments and collections are now made; but the returns now making and the payments soon to be made at the Treasury, together with the observations of collecting officers and others, will shortly disclose the character and bearing of that law, and the amendments necessary to make its operations efficient in assessments and collec-

tions, and equitable in its exactions upon all the various interests of our population.

It was suggested in my last annual report that there would be a deficiency in the Indianapolis fund, to meet the expenses of the State House, of from ten to fifteen thousand dollars. This deficiency has been fully realized, as the payments of the last and the present year on account of the State House, have anticipated the Indianapolis fund to the amount of 15,000 dollars (besides the sums expended under the act of last session.)

This has been from necessity, subtracted from the other means of the treasury, which under the best economy, was scarcely adequate to the ordinary expenses of the State. The effect has been to produce a deficiency in the Treasury of        dollars exclusive of the payments on account of the State House under the act of last winter, and other claims not audited, amounting altogether to over        dollars.

It was supposed at the date of my last annual report, that the lots and public grounds at Indianapolis, which would be brought into market in the course of the current year, would reimburse to the Treasury the amount of 6,000 dollars then already paid from the Treasury in anticipation of the Indianapolis fund, as well as meet the expenditures on account of the State House accruing the present year.

Those lots not having been brought into market, the deficit remains to be provided for as the legislature may deem expedient. Whether or not this deficit will be met by a corresponding increase of the revenue, over the growing demands on the Treasury, though the ordinary expenses of the State, cannot now be ascertained, as the affects upon the revenue under the operations of the ad valorem law, have not yet been sufficiently tested to enable a correct opinion to be formed. There is a probability however, that a small increase will be realized, but the greater safety for the Treasury, would seem to suggest the propriety of bringing into market the lots in Indianapolis, yet retained by the State.

There has been presented at the Treasury by the Lawrenceburgh and Indianapolis Rail Road Company, under the provisions of the act of last session, mortgages to the amount of 221,000 dollars and an equal amount of State bonds have been delivered to the Company.

The operations in the several branches of the Loan Office still continue to manifest the salutary character of the law, and the safety and productiveness of the funds subject to be loaned under the superintendence of the Treasurer of State.

The balance of the property mortgaged by the late James Noble, has been sold for an amount equal to the balance of the debt and interest. It is not now believed that any portion of the funds under the action of the Loan Office, is in a hazardous condition, but that all rests upon such undoubted security, that no loss can reasonably be apprehended.

The expenditures on account of the State House, incident to the various requirements of the act of last session, will probably amount to about 5,000 dollars. The principal item of this expense has been

on account of grading the State House square. A detail statement of the whole, will be made the subject of a separate communication.

All of which is respectfully submitted.

N. B. PALMER,

*Treasurer of State.*

## [No. 2.]

### Statement A--College Fund.

*Report of the operations of the College Fund, from the 1st of December 1835, to the 30th November 1836.*

#### RECEIPTS.

Cash on hand at last report	\$4,831 81	
Received from James Smith, Commissioner	3,477 91	
“ Reserved township in Gibson county		
“ from William Alexander, Commis- sioner Monroe county	1,650 89	
“ Loans refunded	6,961 05	
“ from sales of mortgaged lands	832 84	
“ from interest on loans	3,345,87	
		21,160 37

#### CONTRA.

Amount of loans as per list accompanying	\$ 16,392 34	
State Seminary, including College expenses	3,804 67	
Cash on hand	963 36	
		<u>\$21,160 37</u>

### Statement B--Saline Fund.

*Report of the operations of the Saline Fund from the 1st of December 1835 to the 30th November 1836.*

#### RECEIPTS.

Cash on hand at last report	\$ 582 44	
Received from Andrew Wilson, Commissioner of Saline lands in Orange county	3,921 74	
“ Loans refunded	510 00	
“ Interest on Loans	1,202 89	
“ Rents Salt Licks	270 12	
		6,487 19
Amount overloaned		77 67
		<u>\$6,564 86</u>

**CONTRA.**

Amount of loans as per list accompanying	\$6,425 00
Saline fund	139 86
	<hr/>
	6,564 86

**Statement C--Congressional Township Funds**

*Report of the operations of the Congressional Township Fund, from the 1st of December 1835, to the 30th November 1836.*

**Dr.**

To amount of this fund transferred from Treasury books	\$ 983 06
To Interest on Loans	99 00
Amount overloaned	29 44
	<hr/>
	1,116 50

**Cr.**

By amount of Loans	\$1,100 00
Treasurer's per cent. on Loans	16 50
	<hr/>
	1,116 50

**(No. 3.)***List of Borrowers of the College Fund.*

George Boon	-	-	-	\$300 00
Freeborn Garretson	-	-	-	100 00
Moses Parks	-	-	-	87 50
Jonathan Parks	-	-	-	100 00
Livingston Dunlap	-	-	-	500 00
William George	-	-	-	100 00
William Brown	-	-	-	200 00
Richard Arnold	-	-	-	200 00
Corn & Roena Meek	-	-	-	500 00
Emanuel Glympse	-	-	-	300 00
Charles Neighbors	-	-	-	400 00
Samuel Potts	-	-	-	250 00
Robert Wilson	-	-	-	250 00
Garrison Thompson	-	-	-	100 00
John Blake	-	-	-	150 00
James Goslin	-	-	-	100 00
George Bishops	-	-	-	300 00
Moses Walls	-	-	-	100 00
Abner Edwards	-	-	-	300 00
Jesse-Isaacs	-	-	-	150 0



Burr P. Dennis	-	-	-	-	100 00
Nathan Snodgrass	-	-	-	-	400 00
John Johns	-	-	-	-	100 00
N. Kelly & S. Robinet	-	-	-	-	300 00
Amos Clark	-	-	-	-	500 00
W. Marshall & A. C. Griffith	-	-	-	-	400 00
Grant Stafford	-	-	-	-	275 00
James Hughey	-	-	-	-	150 00
William Gregory	-	-	-	-	500 00
Charmer P. Duffield	-	-	-	-	500 00
Thomas D. McClain	-	-	-	-	400 00
Samuel McKiniey	-	-	-	-	100 00
Samuel McClain	-	-	-	-	460 00
Thomas Brumfield	-	-	-	-	250 00
William H. Craig	-	-	-	-	100 00
Jesse Johnson	-	-	-	-	500 00
Robert Brenton	-	-	-	-	250 00
Joseph Young	-	-	-	-	300 00
Alexander Little	-	-	-	-	400 00
John Thompson	-	-	-	-	100 00
James Johnson	-	-	-	-	500 00
Enoch Barlow	-	-	-	-	500 00
Thomas Brown	-	-	-	-	500 00
John & Juliet Beal	-	-	-	-	200 00
William McCarty	-	-	-	-	400 00
Moses M. Henkle	-	-	-	-	200 00
Jesse Whippo	-	-	-	-	220 00
Robert John	-	-	-	-	513 84
David W. Snider	-	-	-	-	100 00
C. Fletcher & S. Merrill	-	-	-	-	336 00
Isaac Snyder	-	-	-	-	200 00
John Bowlan	-	-	-	-	100 00
George Taffe	-	-	-	-	500 00
John Matthews	-	-	-	-	300 00
Carey H. Boatright	-	-	-	-	400 00
Barzilia French	-	-	-	-	75 00
David Shields	-	-	-	-	125 00
Anthony Freyburger	-	-	-	-	300 00
William C. Robinson	-	-	-	-	100 00
Cornelius Long	-	-	-	-	150 00

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\$16,392 34

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*List of Borrowers of the Saline Fund.*

Seth Way	-	-	-	-	\$500 00
James Hamilton	-	-	-	-	500 00
Ezekiel Thomas	-	-	-	-	200 00

James N. Pope	-	-	-	-	-	200 00
Henry Dernell	-	-	-	-	-	200 00
William Pope	-	-	-	-	-	300 00
James Gregory	-	-	-	-	-	250 00
James Ingles	-	-	-	-	-	200 00
John Ritchey	-	-	-	-	-	300 00
John Douglass	-	-	-	-	-	500 00
Hannibal R. Stevens	-	-	-	-	-	250 00
Andrew Wilson	-	-	-	-	-	500 00
Thomas Shelton	-	-	-	-	-	200 00
John Parker	-	-	-	-	-	400 00
Samuel Mitchell	-	-	-	-	-	300 00
Levi Jessup	-	-	-	-	-	500 00
Richard Curry	-	-	-	-	-	100 00
Joseph Andrus	-	-	-	-	-	250 00
Resin Davis	-	-	-	-	-	100 00
Elijah Leary	-	-	-	-	-	150 00
William Harter	-	-	-	-	-	200 00
James B. Ray	-	-	-	-	-	100 00
Joshua Muncy	-	-	-	-	-	75 00
Samuel B. Shannon	-	-	-	-	-	150 00

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\$6,425 00

*List of Borrowers of Congressional Township Fund.*

Seth Bardwell	-	-	-	-	-	500 00
Moore McIntosh	-	-	-	-	-	200 00
Calvin Matthews	-	-	-	-	-	200 00
Martin D. Bush	-	-	-	-	-	200 00

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\$1,100 00

*Contingent Expenses from 1st Dec. 1835 to 30th Nov. 1836.*

Paid N. B. Palmer for making out forms and forwarding them to school commissioners	.	.	.	.	\$30 00
" Morrison & Tomlinson for stationary	.	.	.	.	7 75
" Isaac Kinder for repairs on Governor's circle	.	.	.	.	14 00
" Peter Winchel for repairs	"	"	.	.	11 00
" John L. Ketcham for private secretary to Governor	.	.	.	.	50 00
" Landis & Morris for stationary	.	.	.	.	7 82
" Samuel Herriet for transportation of arms	.	.	.	.	10 30
" McCarty & Williams for stationary	.	.	.	.	37 31
" Atchinson for transportation of arms	.	.	.	.	7 00
" T. T. Benbridge " "	.	.	.	.	4 90
" John Cain for postage	.	.	.	.	80 94
" James Morrison for making index to Senate Journal	.	.	.	.	75 00

" N. Noble for survey of Princeton & Mount Vernon Turnpike . . . . .	\$300 00
" John Cain for postage . . . . .	93 07
" John Cain " . . . . .	96 68
" J. D. Cassatt collector of Wabash county, for over-payment of revenue of 1835 . . . . .	19 69
" S. C. Stevens for repairs on Governor's circle . . . . .	3 25
" William Dutton for commission and storage on arms . . . . .	88 82
" M. M. Henkle for ruling paper and stationary . . . . .	2 69
" M. M. Henkle for blank books . . . . .	1 25
" Yandes & Porter for repairs on Governors Circle . . . . .	2 94
" John Cain for postage . . . . .	80 50
" J. M. Woollen for repairs on Governor's circle . . . . .	21 96
" N. B. Taylor " " . . . . .	1 75

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\$1,047 62

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*Amount paid by the Treasurer for Stationary, carriage, &c. from Dec. 1st, 1835, to Nov. 30th, 1836.*

December—Bought of Sheets & Grover.

80 reams royal No. 3,	\$4 00	\$320 00
132 " " " "	"	528 00
12 " supr. envelope,	5 00	60 00
8 " " " "	5 00	40 00
9 boxes and cooperage,	1 00	8 75
Balance at last statement,		6 00
Paid W. R. Robbins for transportation,		29 26

Feb. 1, 1836—" John Wildman	"	25 22
" " " S. W. Johnson	"	2 25
" 4, " " George Barron	"	7 65
" " " W. Peary	"	6 66

November 5—" William Robbins		23 40
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Oct., 1836—Bought of Leeds & Jones,

55 reams fine post No. 1,	3 75	206 25
20 " mingled "	4 25	85 00
15 " envelope,	4 00	60 00
Carriage on same		10 35

May—Bought of Josiah Drake,

2800 quills No. 10,	5 00	14 60
3000 " " "	7 00	21 00
2000 " " 30	10 00	20 00
500 " " 40	13 00	6 50
3000 " " "	6 00	18 00
500 " " 60	3 00	15 00
7 lbs. wafers,	1 25	8 75
4 doz. inkstands,		3 00
4 " sand boxes,		4 00
10 brass snuffers		2 09

4 candlesticks,	1 68
4 pieces ribbon,	1 25
3 doz. inkpowder,	3 75
4 " linen tape,	3 50
4 " sand,	6 00
4 " cotton tape	1 00
2 reams fine ivory post,	12 00
3 " post,	15 00
3 " "	15 00
2 ruled post,	9 00
2 boxes,	1 00
Expense of purchase, &c.,	20 00

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The following report was received from the House of Representatives by Mr. Jones a member.

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House,

No. 7—An act legalizing the assessment of the state and county revenue, in the county of Vanderburgh;

In which the concurrence of the Senate is requested.

The engrossed bill of the House of Representatives,

No. 7—Relative to the state and county revenue in the county of Vanderburgh, was read once; and,

On motion of Mr. Casey,

The rule of the Senate was dispensed with, the bill was read a second time; and,

On motion of Mr. Morgan,

The rule was dispensed with, the bill read a third time and passed.

Mr. Dunning presented the petition of James Sutphin and others praying relief to be granted to the said Sutphin;

Which was referred to a select committee composed of Messrs. Dunning, Dobson and Thompson of P.

Mr. Colerick presented a petition signed by Joseph H. McMaker, and praying relief;

Which;

On motion of Mr. Colerick,

Was referred to the committee on canals and internal improvements.

Mr. Dobson presented a remonstrance signed by Samuel Folsom, remonstrating against the legislature legalizing the proceedings of the Greene county probate court in a certain case; which,

On motion of Mr. Dobson, was referred, to the judiciary committee.

Mr. Ewing presented a remonstrance signed by Joshua Shields and others, remonstrating against the erection of a dam across the Wabash river;

Which was referred to the committee on canals and internal improvements.

On motion of Mr. Stanford,

The resolution proposed by the judiciary committee, relative to probate courts; and his proposed amendment thereto, were taken from the table; and,

On putting the question on Mr. Stanford's amendment, it was decided in the negative.

Mr. Clark moved to amend said resolution by striking out all from the resolving clause and inserting as follows:

That the resolution be re-committed to the judiciary committee with instructions to inquire into the expediency of changing the probate system so as to have a probate judge elected by the legislature for each county every two years; and that the judge keep his office open continually, and that there be time fixed to try causes and make final settlements; that the judge be his own clerk, and that the fees shall constitute the salary of the judge, or the greater portion thereof.

Mr. Dunning moved to lay the resolution, with the proposed amendment on the table;

Which was agreed to.

Mr. Kennedy offered the following resolution, which was adopted:

*Resolved*, That the select committee on the subject of county boundaries, be instructed to inquire whether there are conflicting statutes upon the subject of the boundary line between the counties of Delaware and Randolph, and if so, that the committee be instructed to report a bill remedying the same.

Mr. Bell moved to insert Madison and Grant.

Mr. Hoagland moved to insert Scott, Clark and Washington.

Mr. Trask moved to insert Wabash, Delaware and Jay.

All agreed to.

And the resolution was adopted.

Mr. Daily proposed the following resolution:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing by law for an appropriation sufficient for the commencement and completion of the Columbus and Jeffersonville road as surveyed and reported during the last session of the legislature, by Randolph Coyle, with leave to report by bill or otherwise;

Which was adopted,

On motion of Mr. Vawter,

The following resolution was taken from the table:

*Resolved*, That the committee on canals and internal improvements inquire into the expediency of providing by law, for the construction of the Jeffersonville and Columbus McAdamized rail road, so soon as the same can be done consistently with the interest of the state, and without prejudice to the construction of public works already provided for by law.

Mr. Daily moved to strike out all after the words rail road;

Which was agreed to.

And as amended the resolution was adopted.

The following resolution proposed by Mr. Walker, was adopted:

*Resolved*, That for the more speedy completion of the Lawrenceburgh and Indianapolis Rail-road, the committee on Canals and Internal Improvements be instructed to inquire into the expediency of the State taking so much of the stock, or such an interest in the work as to ensure the completion of the branch to Rushville, as well as the main line, and report by bill or otherwise.

The following resolution proposed by Mr. Conwell was adopted:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of authorizing by law the re-location of roads when they run parallel with canals and rail-roads, so that both may be enclosed by one lane where the good of community can be secured, with leave to report by bill or otherwise.

Mr. Clark proposed the following resolution, which was adopted:

*Resolved*, That the message of His Excellency the Governor, be referred to a committee of the whole, and be made the special order of the day for this day at 2 o'clock.

Mr. Moore proposed the following resolution:

*Resolved*, That the Secretary of State be respectfully requested to lay before the Senate a list of the names of the persons who have had a remission of fines or forfeitures; and the amount so remitted within the last five years, with the names of the counties in which the persons reside.

Mr. Kennedy moved to amend said resolution by adding the words "and on what recommendation the fines and forfeitures were remitted; which was agreed to, and the resolution as amended adopted.

Mr. Dunning, leave having been granted, introduced a bill declaring the boundary of Brown county, which was read once, and

On motion of Mr. Dunning, the rules of the Senate was dispensed with, and the bill read a second time, and the bill was read a third time and passed.

Mr. Crawford proposed the following resolution which was adopted:

*Resolved*, That the committee on Canals and Internal Improvements inquire into the expediency of instructing the Board of Internal Improvement to cause a continuation of the survey of the Central Canal next season, north of the Wabash & Erie Canal, by way of Goshen on the Fort Wayne & Erie canal route in Elkhart county, with leave to report by bill or otherwise.

Mr. Fowler proposed the following resolution:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of making provision for the further improvement of the Michigan road, with leave to report by bill or otherwise.

Mr. Trask moved to amend by adding the "Richmond and Logansport state road," which was decided in the negative.

Mr. Beard proposed to amend by striking out "committee on roads," and inserting "committee on canals and internal improvements," which was decided in the negative; and on recurring to the original resolution it was adopted.

Mr. Hoagland proposed for adoption the following resolution:

*Resolved*, That the committee on military affairs be instructed to inquire what amendments, if any, are necessary to the militia law, relative to making and franking returns of military elections to the Adjutant General's office, and that they have leave to report by bill or otherwise.

Which resolution was adopted.

On motion, the Senate adjourned.

2 o'clock, P. M.

Agreeably to the resolution of Mr. Clark, the Senate resolved itself into a committee of the whole on the Governor's message, Mr. Boon in the Chair.

On motion, the committee rose, and Mr. Boon, the chairman, made the following report:

MR. PRESIDENT—

The committee to whom was referred the Governor's message, according to order, have had the same under consideration, and have instructed me to report that they have sat, transacted some business, but not having completed it, ask leave to sit again.

Leave was granted.

On motion,

The Senate adjourned.

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WEDNESDAY, DECEMBER 14, 1836.

Senate assembled.

Mr. Everts presented the petition of Solon Robinson and others, praying for the organization of Lake county;

Which was referred to a select committee composed of Messrs Everts, Crawford and Liston.

Mr. Cole presented the petition of W. Davis and others, praying a change in the rail road leading from Indianapolis by way of Crawfordsville to Lafayette;

Which;

On motion of Mr. Cole,

Was referred to the committee on canals and internal improvements.

Mr. Clark presented the petition of Alexander McConnell and others, praying a similar prayer as the petition of W. Davis and others;

Which was referred to the committee on canals and internal improvements.

Mr. Dunning presented the petition of Samuel Hardesty and others, praying that an act be passed authorizing the commissioners of the reserved township of seminary land to sell enough land on which to build a church;

Which was referred to a select committee composed of Messrs. Dunning, Dobson and Hackett.

Mr. Chambers presented the petition of J. H. Campbell and others, praying for a repeal or amendment of an act providing for the collection of debts by justices of the peace;

Which was referred to the judiciary committee.

Mr. Dobson laid before the Senate the proceedings of a meeting held by the citizens of Spencer in Owen county, relative to the location of the McAdam or rail road, leading from Jeffersonville to Crawfordsville;

Which;

On motion of Mr. Dobson,

Was laid on the table.

Mr. Thompson of L. from the judiciary committee, to whom was referred so much of the Governor's message as relates to the disposition of the surplus revenue, made this report:

The judiciary committee, to whom was referred a resolution of the Senate, instructing them to report a bill accepting the portion of the surplus revenue of the United States, allotted to the State of Indiana, by the act passed at the last session of Congress, providing for the distribution of the surplus of the national revenue, have directed me to report the following bill; entitled, &c.

The bill No. 7—authorizing the Treasurer of State to receive from the Secretary of the Treasury of the U. States the amount of the surplus revenue of the U. States proposed to be deposited with this state,

Was read the first time and ordered to be read a second time on tomorrow.

Mr. Thompson of L. from the judiciary committee, to whom was referred the petition of M. W. Foster and others, citizens of Pike county, made the following report:

The judiciary committee to whom was referred the petition of M. W. Foster and others, citizens of Pike county, praying the passage of a law authorizing the election of trustees of the Pike county Library and for other purposes, have had the same under consideration and have directed me to report the following bill:

A bill authorizing the election of trustees of the Pike country library;

Which, the rule having been dispensed with, was read first and second time and passed to a third.

Mr. Thompson of L. from the judiciary committee, made the following report:



The judiciary committee, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of so altering the law regulating witnesses' fees in criminal prosecutions, as to have it definitely understood that they shall receive the same compensation in cases of acquittal, as in case of conviction, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Thompson of L. from the judiciary committee, made the following report:

The judiciary committee, to whom was referred the resolution of the Senate, instructing them to inquire into the expediency of making a legal provision, requiring insolvent plaintiffs to give security for costs, have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Dunning from the select committee to whom was referred a joint resolution of the General Assembly relative to postage, made the following report:

Mr. PRESIDENT—

The select committee, to which was referred a joint resolution of the General Assembly of the State of Indiana, relative to the payment of postage, have had the same under consideration, and now report the same to the Senate, with the following amendments, to-wit:

1st. Strike out of the 1st resolution the following words, "newspapers either sent or;"

2d. Strike out of the 2d resolution all after the word documents in the 3d line, and insert in lieu thereof the following, to-wit:

Sent by him through the post office, which said account shall be by him presented to the auditor of public accounts, whose duty it shall be to audit the same, and the Treasurer of State shall pay said amounts respectively out of any amount in the Treasury not otherwise appropriated.

3d. Add the following resolution:

*Resolved further,* That each member shall give to the post master a certificate of the amount of his postage upon all letters and documents by him received through his office, and that the auditor of public accounts shall audit and the treasurer of state pay the same out of any moneys in the treasury not otherwise appropriated.

This joint resolution to be in force from and after its passage.

Which amendments were not concurred in.

Mr. Hamilton moved to strike out the second section in the joint resolution;

Which was decided in the negative.

Mr. Clark moved to strike out all from the resolving clause and insert the following:

That each member of the present legislature, including the President of the Senate be authorized to certify the amount paid by him for public documents received during the present session, which shall be included in his account for legislative services, being stated as a separate item, to be approved by the President of the Senate, for the members thereof, and by the Speaker of the House for the members thereof, which shall be audited by the auditor and paid by the treasurer of state;

Which amendment was not adopted.

On the question to engross the amendments and pass the bill for a third reading,

*Those who voted in the affirmative are,*

Messrs. Bell, Bradbury, Brady, Casey, Chambers, Colerick, Dunning, Elliott, Everts, Hackett, Hillis, Liston, Morgan, Stanford, Turman, Thompson of P., and Vawter—17.

*And those who voted in the negative are,*

Messrs. Beard, Boon, Clark, Cole, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Fowler, Hamilton, Hoagland, Kennedy, Little, Milroy, Mitchell, Plummer, Puett, Sigler, Smith, Stafford, Stewart, Thompson of L., Thompson of J., Trask and Walker—27.

And so the motion was decided in the negative.

Mr. Conwell proposed the following resolution, which was adopted:

*Resolved,* That the committee on the State Bank be instructed to inquire into the expediency of providing by law to appoint some competent and disinterested person to visit, and inspect the condition and affairs of each Branch of the State Bank of Indiana, and report the same to the next General Assembly, for the purpose of more effectually carrying into effect the 42d section of the act entitled, an act establishing a State Bank.

Mr. Cole proposed the following resolution, which was adopted:

*Resolved,* That the judiciary committee be instructed to inquire into the expediency of amending the law relative to the mode of doing county business in such a manner as to have it done uniformly throughout the state, with leave to report by bill or otherwise.

Mr. Vawter from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report that they have compared the enrolled bill with the engrossed bill, which originated in the House of Representatives, entitled as follows, to-wit:

An act legalizing the assessment of state and county revenue in the county of Vanderburgh;

And find the same truly enrolled.

The following resolution proposed by Mr. Elliott, was adopted.

*Resolved,* That the committee on ways and means be instructed to inquire into the expediency of repealing so much of the revenue law as requires persons vending merchandize to pay a county license.

Mr. Cole proposed the following resolution, which was adopted:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the law relative to the jurisdiction of justices of the peace, in such a manner as to be uniform throughout the state; either to conform their jurisdiction to their respective townships, or to extend them throughout the respective counties; with leave to report by bill or otherwise.

The following resolution proposed by Mr. Brady, was adopted:

*Resolved*, That the select committee appointed on county boundaries be requested to inquire into the expediency of reporting a bill designating the boundary of all the counties in the state as now laid off, with the appropriate names properly qualified when it appears necessary.

The following resolution proposed by Mr. Kennedy, was adopted:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of providing by law for the constructing of a McAdamized turnpike road, from Muncietown, in Delaware county, by the way of Winchester, in Randolph county, to the state line, so as to intersect the termination of the Urbanna, Troy & Greenville turnpike road at said state line.

Mr. Stanford proposed the following resolution, which was adopted:

*Resolved*, That the committee of ways and means be instructed to inquire into the propriety of so changing the law on the subject of the collection of the state and county revenue as to make it the duty of all persons charged with a state or county tax to pay the same over to the county treasurer, with leave to report by bill or otherwise.

Mr. Smith proposed to amend by inserting the words "and also to inquire into the expediency of providing by law for the election by the people of the several counties, the county treasurer.

Which amendment was adopted; and on recurring to the resolution it was adopted.

Mr. Stanford offered the following resolution, which was adopted:

*Resolved*, That the committee on ways and means be directed to inquire into the propriety of so amending the revenue law of 1835-6 as to authorize the collectors of the several counties to pay over the money set apart in the 25th section of said act, for school purposes to the several school commissioners, instead of paying it to the treasurer of the several townships and fractional townships.

Mr. Stuart offered the following resolution, which was not adopted:

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of repealing so much of the revenue law as exempts one hundred dollars worth of property from taxation.

The following resolution proposed by Mr. Thompson, was adopted:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act entitled "an act allowing and regulating the writ of ad quod damnum," that each and every jury empannelled under said act, when they find that the erection of any dam or dams will be of injury to the proprietor or proprietors of any land or lands as in the second section of said act provided,

shall, in addition to the inquest by said act required to be made to the several circuit courts, report the same to the clerk of the county in which said lands may lie, who shall thereupon forthwith issue summonses to the said proprietor or proprietors, to show cause as in the 3d section of said act provided, at the term of the circuit court immediately ensuing the issuing thereof. Adopted.

The following resolution proposed by Mr. Thompson, of P. was adopted:

*Resolved*, That the judiciary committee be instructed to take into consideration the policy of providing by law for judgments of circuit courts, in cases of appeals from the judgments of justices of the peace to have a lien upon real estate of the party against whom such judgment is rendered in the circuit, from the time such appeal was taken from the judgment of the justice.

Mr. Mitchell proposed the following resolution, which was not adopted:

*Resolved*, That the committee of ways and means be instructed to inquire into the propriety of so amending the laws for the collecting the public revenue as to designate all articles subject to taxation.

Mr. Trask proposed the following resolution which was adopted.

*Resolved*, That the committee on roads be instructed to inquire into the expediency of making an appropriation for the improvement of the Richmond and Logansport state road, between Richmond and Peru, and an extension of said road from Peru, on the nearest and best route to intersect the Michigan road near the Pottawattamie mills.

Mr. Collins offered the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of passing an act declaratory of the law now in force relative to the granting of license to vend foreign merchandize, and subjecting to indictment all persons failing to procure such license.

On motion of Mr. Little,

The resolution was so amended as to include spiritous liquors;

And thus amended, the resolution was adopted.

Mr. Kennedy proposed the following resolution which was adopted:

*Resolved*, That the committee on ways and means be intructed to inquire into the expediency of so amending the revenue law, that all necessary provisions of each family at the time of assessment shall be exempt from taxation.

Mr. Cole proposed the following resolution, which was not adopted:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law relative to the disposition of fines assessed by justices of the peace, in such a manner as to be applied for the use of common schools, in the townships in which they are assessed, with leave to report by bill or otherwise.

Mr. Clark offered the following resolution, which was adopted:

*Resolved*, That the standing committee on roads be instructed to inquire into the expediency of repealing so much of the road law as authorizes the supervisors of roads to require individuals to perform more than two days work as a poll tax for road purposes, and of providing

that the road tax either of money or labor, shall be levied upon the ad valorem system.

Mr. Hoagland offered the following resolution, which was adopted:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law regulating the mode of doing county business in the several counties in this state so as to authorize the boards doing county business in said counties to assign and allow an additional justice of the peace in any township in their respective counties, when in their opinion such additional justice may be necessary to render convenience to the citizens of said township.

Mr. Everts introduced a joint resolution, authorizing our Senators and Representatives in Congress to use their exertions to procure the passage of a pre-emption law;

Which was read once and passed to a second reading on to-morrow.

Mr. Sigler introduced a bill to incorporate the trustees of the Indiana University;

Which was read once; and,

On motion of Mr. Sigler,

The rule dispensed with, the bill read a second time; and,

On motion of the same gentleman,

Referred to the standing committee on education.

Mr. Conwell on leave granted, introduced a bill incorporating the Laurel insurance company and saving's institution;

Which was read once; and,

On motion of Mr. Thompson of L.

Read a second time and laid upon the table.

Mr. Thompson of L., offered the following resolution, which was adopted:

*Resolved*, That the President of the Senate be, and he is hereby authorized to appoint a committee, consisting of such number of the members of the Senate as he may think proper, which shall be denominated "the standing committee on corporations."

The following gentlemen were appointed said standing committee on corporations, viz: Messrs. Thompson of P., Colerick, Dunning, Hackett, Conwell, Boon, Bradbury, Milroy, Stuart, and Smith.

Senate adjourned.

2 o'clock P. M.

Senate assembled.

Mr. Thompson of P., from the Judiciary committee, made the following report:

MR. PRESIDENT--

The Judiciary committee to whom was referred a resolution of the Senate, instructing the committee to enquire into the propriety of so amending our statutes in relation to delivery bonds as to provide when property is not delivered according to the tenor of such bonds, it shall for all purposes in law, have the force and effect of a stay or replevy

bond, have taken the subject under their due consideration, and have instructed me to report the following, entitled "a bill to amend an act subjecting real and personal estate to execution," approved February 4th, 1831.

Bill No. 7, entitled "a bill to amend an act subjecting real and personal estate to execution, approved February 4, 1831, was read once and passed to a second reading.

On motion of Mr. Dumont, the bill altering the time of holding courts in part of the third judicial circuit, was considered as engrossed, read a third time and passed.

Mr. Ewing, having obtained leave, introduced "a bill legalizing the election of a Probate Judge in Fulton county;"

Which was read once and passed to a second reading on to-morrow.

Mr. Mitchell, leave having been granted, introduced the following resolution, which was adopted:

*Resolved*, That the judiciary committee be instructed to inquire if any, and what alterations are necessary to the laws prescribing the powers and duties of the Coroners in the several counties of this State.

The following messages were received from the House of Rep's:

MR. PRESIDENT—

I am instructed to inform the Senate that the House of Representatives have adopted the following resolution:

*Resolved*, That this House will (The Senate concurring therein,) proceed on Thursday next at 10 o'clock A. M., to the election of two Directors of the State Bank of Indiana, to fill the vacancies occasioned by the resignation of Seaton W. Norris and Calvin Fletcher, whose term of service will expire during the present session, in which the concurrence of the Senate is requested.

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the H. of Representatives:

No. 6. An act to change the name of Mary Ann Elder Glasgo.

No. 8. An act to legalize the assessment and collection of the State and county revenue for the year 1836, in the counties of Warrick and Spencer.

No. 15. An act to change the name of the town of Portersville in Porter county to that of Valparaiso,

No. 9. An act to locate a state road from Bloomington to Bloomfield, In which the concurrence of the Senate is requested.

The engrossed bill of the House of Representatives,

No. 6. An act to change the name of Mary Ann Elder Glasgo, was read once and passed to a second reading,

No. 8. An act to legalize the assessment and collection of the state and county revenue in the counties of Warrick and Spencer, was read once and passed to a second reading,

No. 15. An act to change the name of the town of Portersville in

Porter county, to that of Valparaiso, was read once and passed to a second reading.

No. 9. An act to locate a state road from Bloomington to Bloomfield, was read once and passed to a second reading.

On motion, the Senate resolved itself into a committee of the whole on the Governor's message, Mr. Boon in the Chair.

Mr. Boon, from the committee of the whole, made the following report:

Mr. PRESIDENT—

The committee of the whole to whom was referred the Governor's message, have had the same under consideration, and have directed me to report, that they have adopted the following resolutions, in which the concurrence of the Senate is requested:

*Resolved*, That so much of the Governor's message as relates to enclosing the Tippecanoe Battle Ground, and the procuring a design for the monument proposed to be erected, be referred to a select committee.

*Resolved*, That so much of the Governor's message as relates to the Michigan Road, be referred to a select committee, to consist of one from each judicial circuit through which said road passes.

*Resolved*, That so much of the Governor's message as relates to negotiations with the State of Illinois, on the subject of improvement on the Wabash river, be referred to the committee on canals and internal improvement;

*Resolved*, That so much of the message as relates to the agricultural interest of the country, be referred to the standing committee on agriculture;

*Resolved*, That so much of the Governor's message to the present General Assembly as relates to the revenue of the State, be referred to the committee of ways and means;

*Resolved*, That so much of the Governor's message as relates to a geological survey, be referred to the committee on canals and internal improvements, with instructions to inquire into the expediency of authorizing such survey, with leave to report by bill or otherwise.

*Resolved*, That so much of the Governor's message as relates to the 3 per cent. fund, be referred to the committee on roads;

*Resolved*, That so much of the Governor's message to the present session of the General Assembly as relates to the changes made in the *channel of the mouth* of the Great Miami River near its mouth, and the boundary line between the States of Ohio and Indiana, be referred to the committee on the judiciary;

*Resolved*, That so much of the Governor's message as relates to the Michigan and Erie canal, be referred to the committee on canals and internal improvements, with instructions to inquire into the expediency of requesting a grant of land or otherwise, to obtain aid from Congress in the construction of said canal.

*Resolved*, That so much of the Governor's message as refers to the improvement of the southern end of Lake Michigan, be referred to a select committee.

*Resolved*, That so much of the Governor's message as relates to the State College, Common Schools, and the revision of the school laws, be referred to the committee on education.

*Resolved*, That so much of the Governor's message as relates to the supposed inequality of the authorised distribution of internal improvement, be referred to the standing committee on that subject, with instructions to inquire into and report to the Senate what additional public works are necessary to extend equal benefits to every part of the State, particularly as relates to that portion of the State north and west of the Wabash river.

*Resolved*, That so much of the Governor's message as relates to the surplus revenue, be referred to a select committee composed of two Senators from each Congressional District.

*Resolved*, That so much of the Governor's message as recommends to the serious consideration of the Legislature the just claims of Jackson, Scott, and Clark counties, and those counties south of the New Albany and Vincennes road, and all that part of the State north of the head of the eastern canal as far as Fort Wayne, consisting of three or four counties; and also the counties of Ripley, Switzerland, Decatur, Shelby, and Rush, and all that district of country included between Vincennes and Terre-Haute, be referred to a select committee of eleven, with instructions to report by bill or otherwise.

*Resolved*, That so much of the Governor's message as relates to the salaries of officers of State and the pay of the members of the General Assembly be referred to the committee on ways and means;

All of which resolutions were severally concurred in by the Senate.

Mr. Colerick offered the following resolution, which was adopted:

*Resolved*, That the committee on canals and internal improvements inquire into the expediency of amending that part of the act entitled "an act to provide for a general system of internal improvements," approved January 27, 1836, which refers to the Lawrenceburgh and Indianapolis Rail Road Company, and to report by bill or otherwise.

On motion,

The Senate adjourned.

THURSDAY, DECEMBER 15, 1836.

Senate assembled.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill of the Senate,

No. 4.—An act to amend an act entitled an act for the formation of



the county of Brown, approved February 4, 1836, without amendment.

The Speaker of the House of Representatives having signed an engrossed bill of the House of Representatives,

No. 7—An act to legalize the assessment of state and county revenue in the county of Vanderburgh;

I am directed to bring it to the Senate for the signature of the President thereof.

The President having signed the bill No. 7, reported as having been signed by the Speaker, it was handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Vawter from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor, for his approval and signature, an enrolled bill,

No. 7—Of the House of Representatives, entitled an act legalizing the assessment of state and county revenue in the county of Vanderburgh.

The following communication was received from the Auditor of Public Accounts; which,

On motion,

Was laid on the table.

AUDITOR'S OFFICE, }  
Dec. 14, 1836. }

HON. DAVID WALLACE,

*President of the Senate:*

SIR—

Please lay the enclosed communication before the Senate.

Very respectfully,

Your obed't serv't,

M. MORRIS.

AUDITOR'S OFFICE, }  
Dec. 14, 1836. }

In obedience to a resolution of the Senate requesting the "Secretary of State, Auditor of Public Accounts and Treasurer of State to report to the Senate the amount of money they each received of the state per annum, by virtue of their offices," the Auditor submits the following statement.

That the Auditor receives per annum, for his services, as Auditor of public accounts \$400 00. In addition, however, to his regular duties, the Legislature has assigned to the Auditor other duties, as follows:

The Auditor is required to keep the books and accounts of the sales of Michigan road lands, together with all the accounts arising from the disbursement of that fund for which he is allowed fifty dollars per annum in Michigan road scrip.

He is also required to keep a regular set of books of the sales of the Wabash and Erie Canal lands, and all the accounts arising from the disbursement of that fund by the canal commissioners, for which he is allowed \$150 per annum.

The Auditor is further required by the law to provide for a general system of internal improvement, to keep a regular set of books showing all moneys received by the fund commissioners, and all moneys received and disbursed by the board of internal improvement, for which the Auditor is to have the same compensation allowed by the *fund* commissioners to their clerk; but as the fund commissioners have appointed no clerk, having done their business by one of their board, the Auditor can have no allowance made him by said board.

The Auditor would remark, that the compensation for his services in keeping the accounts of the Michigan road fund, has ceased, as that fund has been expended.

The foregoing comprises all the annual allowances made the Auditor. In addition to the above, the legislature has heretofore required the Auditor to make out tract books for those counties that have not been furnished, but the compensation for that service has always been given to clerks for doing the business.

Respectfully submitted,

M. MORRIS, *A. P. A.*

Mr. Dunning presented the petition of sundry citizens of Monroe and Lawrence counties, respecting obstructions in Salt creek, which

On motion, was laid upon the table.

Mr. Thompson of P., presented the petition of Thomas H. Shoemaker and others, praying for the amendment of a law authorizing a state road from Rome, in Perry county, to Jasper, in Dubois county, which was referred to a select committee composed of Messrs. Thompson of P., Stewart, and Chambers.

The President laid before the Senate the following report from the Auditor of Public Accounts, which,

On motion, was laid upon the table and 500 copies ordered to be printed.

AUDITOR'S OFFICE, }  
Dec. 13th, 1836. }

Hon. David Wallace,

*President of the Senate:*

SIR—

Enclosed you have my annual Report of Receipts and Expenditures on account of the State of Indiana, for the year 1836; which you will please lay before the Senate.

Very respectfully, your obe't serv't,

M. MORRIS, *A. P. A.*

AUDITOR'S OFFICE, }  
Dec. 13th, 1836. }

In obedience to the act entitled "An act concerning the Auditor of Public Accounts and Treasurer of State," the Auditor submits the

following report of Receipts and Expenditures on account of the State of Indiana, from the first of December, 1835, to the 30th of November, 1836, both inclusive.

### RECEIPTS.

There was remaining in the Treasury on the 30th Nov. 1835, provided all claims audited to that date were paid,		\$6,136 81
Since that period there has been received at the Treasury on account of revenue, for 1827	\$145 79	
do do for 1834	3 69	
do do for 1835	50,569 57	
do do for 1836	560 00	
	<hr/>	51,279 05
For sales of Michigan Road lands	33,031 17	
" Rent of State Prison	700 00	
" Sales of Lots in Indianapolis	1,342 56	
" Loans refunded of Indianapolis Fund	1,041 60	
" Interest on same	218 78	
	<hr/>	41,334 11
From Estates without known heirs	586 94	
" Congressional Townships, (to loan)	438 06	
" Collectors of Militia Fines	33 00	
" Incidental payments	16 75	
	<hr/>	1,074 75
" Sales of Seminary Lands, and interest on same	5,128 80	
" Loans refunded of Seminary Fund	6,961 05	
" Interest on Seminary Loans	3,345 87	
" Mortgaged lands to Seminary Fund, sold	832 84	
	<hr/>	16,268 56
" Sales of Saline lands	3,921 74	
" Loans refunded of Saline Fund	510 00	
" Interest on Saline Fund loans	1,202 89	
	<hr/>	5,634 63
" For Rents of Salt Licks		270 12
		<hr/>
Making the total amount of Receipts with Cash on hand at last report		<u>\$121,998 03</u>

## EXPENDITURES.

Since the above period, there has been audited  
for public Printing, Stationary, distributing  
laws, &c.

For expenditures of last General Assembly	6,348 51	
	19,073 68	25,422 19
“ Salaries of Executive officers	2,700 00	
“ “ Prosecuting Attorneys	1,287 50	
“ “ Supreme and Circuit Judges	8,657 25	
“ “ Probate Judges	2,944 50	
“ “ Adjutant and Quarter-master Generals	192 00	15,781 25
On account of State College	3,804 67	
“ of State Library	100 00	
“ of State Prison	1,573 54	
“ of Michigan Road	37,809 05	
“ of Seat of Government	425 82	43,713 08
“ of Specific appropriations	5,459 13	
“ of Wolf Scalps	512 00	
“ of Loans of Seminary Funds	16,392 34	
“ of Expenditures of Contingent fund	1,047 62	
“ of State House	9,830 12	33,241 26
“ of Loans of Saline Fund	6,425 00	
“ of Expenditures of Saline Fund	139 86	
“ of Transfer of Congressional town- ship fund	988 06	
“ of Expenses of Presidential Election	289 90	
“ of Estates refunded to heirs	278 04	8,120 86
Making the total amount of Expenditures		<u>\$126,278 64</u>

The Expenditures being \$126,278 64, and the Receipts only \$121,998 03. It will be seen that there is a deficit this year of \$4,280 61.

In consequence of not receiving from several clerks of courts the certificates of assessments of their respective counties, although they have been specially requested to do so, it is impossible at this time to say with any certainty, what amount will be realized to the treasury this year; it will not be less than \$60,000, nor more than \$65,000, after making all deductions allowed by the present revenue law. Many deficiencies of the law are complained of by those having charge of the collections for this year. Among others, that of having to pay the amount due each congressional township to the treasurer of the township, instead of paying the whole amount to the school commissioner, as is provided for the payment of the five per cent. on the gross amount collected.

Another suggestion from the same source is, that it would greatly facilitate the collections, and better accommodate the people, if certain days were fixed to meet them in their respective townships.

Another, that of employing but one assessor to each county to insure uniformity of valuation throughout the county, and that the assessment roll shall, in all instances, be returned to the Board doing county business, made out alphabetically, and the duplicate so furnished by the clerk to the collector.

A statement will be made out so soon as the returns of the remaining counties to be heard from are received, exhibiting the valuation of each county, with the amount received from each, and laid before the General Assembly.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

Mr. Dunning from the select committee to whom was referred the petition of James Sutfin and others, made the following report:

MR. PRESIDENT—

The select committee to which was referred the petition of James Sutfin, praying relief, have had the same under consideration, and now report a bill "entitled a bill for the relief of James Sutfin."

The bill of the Senate, No. 9, for the relief of James Sutfin, was read once and passed to a second reading on to-morrow.

The following communication was received from the Treasurer of State:

TREASURER'S OFFICE,  
Indianapolis, 14th Dec., 1836. }

HON. DAVID WALLACE,

*President of the Senate:*

SIR—

In compliance with a resolution of the Senate, "requesting the Treasurer of State to report to the Senate, the amount of money he receives from the state per annum, by virtue of his office," the undersigned makes the following statement:

The Treasurer receives as his annual salary as Treasurer of State, four hundred dollars, and for his superintending of the State House, and the improvements making, &c., one hundred and fifty dollars. These sums are all the Treasurer properly receives from the state; but for other offices appended to the Treasury, such as agent of 3 per cent. fund, superintendant of the Loan office, &c., allowances are made, which are paid out of these proper funds, and which are: Annual salary as superintendant of the Loan office, seventy five dollars, paid out of the College fund; as is also a per cent of  $\frac{1}{4}$  of one per cent. on the amount of loans, and which amounted at the last audited account, including the allowance on the Saline fund, to \$352 00.

The allowance as Agent of the 3 per cent fund, is \$100 00 per annum, paid out of that fund; and for the duties in reference to the Michigan road \$50 00, paid in Michigan road scrip.

There are no perquisites in the shape of fees, or separate charges for any duties connected with the Treasury. All patents for College lands and Saline lands are made out and recorded by the Treasurer of State without pay other than his annual allowance.

I deem it proper to remark, that the duties of the Loan office are greater and more onerous than the duties of Treasurer of State, (proper.)

Respectfully submitted,

N. B. PALMER,  
*Treasurer of State.*

Mr. Trask offered the following resolution, which was adopted:

*Resolved*, That the committee of ways and means be instructed to inquire into the propriety of so amending the revenue law as to exempt merchants from either paying license, or from being taxed on foreign merchandise, with leave to report by bill or otherwise.

On motion of Mr. Fowler,

*Resolved*, That the committee on the judiciary be instructed to inquire into the propriety of extending the provisions of the 9th section of an act entitled an act regulating the jurisdiction and duties of justices of the peace; approved February 10th, 1831, to persons imprisoned for the non-payment of a fine or costs assessed by the circuit court, with leave to report by bill or otherwise.

On motion of Mr. Beard,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act organizing Probate Courts and defining the powers and duties of Executors, Administrators, and Guardians, approved February 10, 1831, as to authorize the Judges to take the acknowledgment of deeds made by order of said courts in term time.

On motion of Mr. Daily, the following resolution was adopted:

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of appropriating one thousand dollars for the purpose of aiding in the purchase of a fire engine and the necessary apparatus, for the safety of the public property located at Jeffersonville, to be applied as soon as the citizens of that place shall pay a like sum, or as much more as will be necessary to complete the payment for the same, with leave to report by bill or otherwise.

On motion of Mr. Hackett,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of allowing fees to constables for advertising property for sale taken by virtue of execution, and mileage for travelling to the place of sale, and that said committee report by bill or otherwise.

On motion of Mr. Stafford,

*Resolved*, That the committee of ways and means be directed to inquire into the expediency of amending the law now in force regulating the vending of wooden clocks, and report by bill or otherwise.

On motion of Mr. Vawter,

*Resolved*, That the committee of ways and means inquire into the expediency of authorizing the Auditor of State to obtain a new tract

book for each county in which the lands of the United States were formerly sold under a credit system, and from such new tract book furnish each county with a full and complete list of all lands purchased within the proper county from the United States.

On motion of Mr. Chambers,

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the present law, as to give to each school district an equal proportion of the fund set apart for the support of common schools, with leave to report by bill or otherwise.

On motion of Mr. Boon,

*Resolved*, That the committee on canals and internal improvements be, and they are hereby instructed to inquire into the expediency of making a rail road, or a clay turnpike road from Vincennes to Terre-Haute, and appropriating money for the same, with leave to report by bill or otherwise.

The following resolution proposed by Mr. Terman, was not adopted:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing so much of the 9th section of a law entitled "an act for the prevention of frauds and perjuries," approved January 24, 1831, as makes it necessary for the wife of the party selling and conveying real estate, to sign and acknowledge the same, except when selling or conveying the farm or lot on which they reside at the time of such sale.

On motion of Mr. Stewart,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of raising the mileage of collectors of the State revenue.

On motion of Mr. Moore,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law, as for each county to elect their 3 per cent. fund agent on the first Monday in August, to serve for the term of one year, the agent so elected giving security &c.

On motion of Mr. Stafford,

*Resolved*, That the committee on the judiciary be directed to inquire into the propriety of amending the law regulating crime and punishment, so as to fine all persons who shall wilfully and maliciously slander another, in any sum not exceeding five hundred dollars, with leave to report by bill or otherwise.

Mr. Conwell offered the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of authorizing married females under the age of 21 years to join with their husbands in the conveyance of real estate, and to relinquish their right of dower.

On motion of Mr. Stanford, it was amended by adding the following: "to all lands of which her husband was possessed previous to their marriage, or such as they may have acquired after their marriage, either by purchase or gift to the husband."

Mr. Plummer moved to amend by adding the following: "Provided,

That it shall not be lawful for females to be joined in marriage before they attain the age of eighteen;"

Which amendment was not adopted.

Mr. Kennedy moved to amend by adding the following: "And it shall be lawful for married males of the age of 18 years and upwards to sell and convey real estate;"

Which amendment was not adopted.

Mr. Boon moved to amend by striking out all after the words "join their husbands;" which amendment was not adopted.

And on recurring to the original resolution as amended, it was adopted.

The Senate then agreeably to a resolution on the subject, entered into the election for two Directors of the State Bank of Indiana, one to fill the vacancy occasioned by the resignation of Seaton W. Norris, and one to fill the vacancy occasioned by the expiration of the term of service of Calvin Fletcher.

And on entering into an election to fill the vacancy occasioned by the resignation of S. W. Norris, on the first balloting Alexander Worth received 18 votes, Nathaniel West received 13 votes, George Towsey received 8 votes, William M. Jenners received 6 votes, scattering one vote.

On the second balloting Alexander Worth received 20 votes Nathaniel West received 16 votes, George Towsey received 6 votes, William M. Jenners received 2 votes, scattering 2 votes.

On the third balloting Alexander Worth received 24 votes,

"	"	Nathaniel West	"	20	"
"	"	George Towsey	"	1	"
"	"	Wm. M. Jenners	"	1	"

Alexander Worth having received a majority of all the votes given, was declared by the President, duly elected on the part of the Senate, to fill the vacancy occasioned by the resignation of Seaton W. Norris.

The Senate then proceeded to ballot for a Director to fill the vacancy occasioned by the expiration of the present term of service of Calvin Fletcher; when on the first balloting it appeared that Calvin Fletcher was duly elected, he having received a majority of all the votes given, and was thereupon declared duly elected on the part of the Senate, for the term of four years from and after the expiration of his present term of service.

The following sealed message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House of Representatives did, on this day at 10 o'clock, on their part proceed with closed doors to the election of a Director of the State Bank of Indiana, to fill the vacancy of Seaton W. Norris, resigned, and on the second ballot, William M. Jenners was declared duly elected on the part of the House of Representatives, having received a majority of all the votes given.



And also the House in like manner proceeded to the election of a Director of the State Bank to fill the vacancy of Calvin Fletcher, whose term of service expires during the present session of the General Assembly; when on counting the first ballot, Calvin Fletcher was declared duly elected on the part of the House of Representatives, by having received a majority of all the votes given.

JEHU T. ELLIOTT, Clk H. R.

December 15, 1836.

Upon the reception of which, the Senate again entered into the election of a Director of the State Bank to fill the vacancy occasioned by the resignation of Seaton W. Norris; on the first balloting the vote stood thus:

Alexander Worth received	20 votes
William M. Jenners "	17 votes
Scattering	7 votes

On the second balloting,

Alexander Worth received	23 votes
William M. Jenners "	21 votes
Scattering	1 vote

Alexander Worth having received a majority of all the votes given, was declared duly elected on the part of the Senate to fill the vacancy occasioned by the resignation of S. W. Norris.

The following sealed message was received from the House of Representatives by Mr. Elliott, their Clerk.

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that they proceeded the second time, with closed doors, to the election of a Director of the State Bank of Indiana, to fill the vacancy of Seaton W. Norris, resigned, when, on the second ballot, Alexander Worth received 54 votes, a majority of all the votes given, and thereupon said Alexander Worth was declared duly elected on the part of the House of Representatives, Director for the State Bank of Indiana, to fill the vacancy and unexpired time of Seaton W. Norris, resigned.

On motion, Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Everts introduced a joint resolution of the General Assembly, relative to a harbor on Lake Michigan at Michigan City, which was read once and passed to a second reading on to-morrow.

Mr. Collins, leave having been granted, introduced a bill to incorporate an insurance company, which was read once and passed to second reading on to-morrow.

Mr. Casey, leave having been granted, introduced a "bill to amend

an act to incorporate the Evansville insurance company," which was read once and passed to a second reading on to-morrow.

Mr. Trask introduced "a bill for the relief of George Brodrick," which was read once and passed to a second reading on to-morrow.

Mr. Dobson, on leave being granted, introduced a bill, No. 14, supplemental to an act to amend an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836; which was read once and passed to a second reading on to-morrow.

Mr. Stewart introduced a bill, No. 15, to legalize the election and acts of H. P. De Bruler, as Probate Judge, in the county of Pike, which was read once and passed to a second reading on to-morrow.

A bill to amend an act to authorize certain persons therein named, to erect a dam across the St. Joseph river, approved February 6, 1836, was read a second time and referred to a select committee composed of Messrs. Crawford, Liston and Colerick.

The bill of the House of Representatives, No. 5, to legalize the election of a Probate Judge, in Porter county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill of the Senate, No. 5, authorizing the Treasurer of State, to receive from the Secretary of the Treasury of the United States the amount of the surplus revenue of the United States, proposed to be deposited with this state, by the 13th section of an act of Congress approved June 23, 1836, entitled "an act to regulate the deposite of the public money;" was taken up read a second time, and

On motion, ordered to be engrossed for a third reading on to-morrow.

Mr. Smith moved to lay it on the table, decided in the negative.

The bill of the Senate No. 6, authorizing the election of Trustees of the library, in Pike county, and for other purposes, was read a second time and ordered to be engrossed for a third reading on to-morrow.

The joint resolution of the Senate of the State of Indiana, No. 16, authorizing our senators and representatives in Congress to procure the passage of a pre-emption law, was read a second time.

Mr. Boon moved to amend said resolution by striking it out from the resolving clause, which motion was decided in the negative.

Mr. Moore moved to lay it on the table, which was also decided in the negative; and

On putting the question shall the resolution be engrossed for a third reading,

*Those who voted in the affirmative were*

Messrs. Bell, Beard, Bradberry, Brady, Casey, Chambers, Cole, Colerick, Crawford, Dobson, Dumont, Elliott, Everts, Ewing, Hackett, Hillis, Hoagland, Liston, Milroy, Mitchell, Morgan, Sigler, Smith, Stafford, Turman, Thompson of P., Thompson of J., and Walker—28.

*Those who voted in the negative were,*

Messrs. Boon, Clark, Collins, Conwell, Daily, Dunning, Fowler, Hamilton, Kennedy, Plummer, Puett, Stanford, Stewart, Thompson of L., Trask and Vawter—15;

And so the joint resolution was engrossed for a third reading.

Mr. Hillis from the committee of ways and means made the following report:

MR. PRESIDENT—

The committee of Ways and means to which was referred a resolution of the Senate instructing them to inquire into the expediency of each member of the Senate and House of Representatives keeping a true account of all the money he may expend during the present session of the Legislature, as postage on all letters and documents appertaining or in reference to the affairs of the state, and funds be appropriated for the payment of the same, have had the same under consideration, and have instructed him to report the following bill "to provide for the payment of postage."

The bill of the Senate, No. 17, on the subject of postage, was read once and passed to a second reading on to-morrow.

The following select committees on the Governor's message were announced by the President:

Select committee on the subject of the Tippecanoe Battle Ground, Messrs. Thompson of L., Clark, Colerick, and Morgan.

Select committee on the subject of the Michigan Road, Messrs. Ewing, Cole, Everts, and Fowler.

Select committee on the subject of the Southern Bend of Lake Michigan, Messrs. Colerick, Crawford, Liston, and Everts.

Select committee on the subject of the Surplus Revenue, Messrs. Thompson of P., Stewart, Vawter, Collins, Walker, Little, Dumont, Fowler, Stanford, Kennedy, Puett, Milroy, Boon, and Dobson.

Select committee on the 14th resolution, Messrs. Thompson of P., Mitchell, Daily, Hoagland, Stewart, Morgan, Boon, Smith, Kennedy, Ewing, and Cole.

On motion, the Senate adjourned.

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FRIDAY, DECEMBER 16, 1836.

The Senate assembled.

The President laid before the Senate the following communication from the Secretary of State;

Which on motion, was ordered to be laid on the table.

INDIANAPOLIS, 15th Dec. 1836.

HON. DAVID WALLACE,

*President of the Senate:*

SIR—

Please lay before the Senate the enclosed communication.

I am very respectfully,

Your obedient servant,

WM. SHEETS.

DEPARTMENT OF STATE, }  
Indianapolis, 15th Dec. 1836. }

The undersigned, in obedience to a resolution of the Senate of the 9th instant, requiring the Secretary, Auditor, and Treasurer of State, to report to the Senate, the amount of money they each receive from the State, per annum, by virtue of their offices," respectfully states, that he receives, from the State, an annual salary of six hundred dollars: From the Michigan road fund, in scrip, for his services in relation to the road, annually fifty dollars. The undersigned is also authorized to receive from individuals requiring the service, fifty cents for a certificate and seal; for copies of papers, twelve and a half cents per hundred words. For patents per Michigan road lands fifty cents; and one dollar for patents for canal lands. These items of fees not being chargeable to the State, but received from individuals in small sums, it is impossible to report to the Senate the amount, annually realized from them. The amount, however, is just in proportion to the service performed, and of it a very considerable proportion is never collected. At the last session of the General Assembly a specific allowance was made to the undersigned for copying the laws, making marginal notes and index, and superintending the printing, of a sum hardly sufficient to cover the expense incurred. In addition to the foregoing the House of Representatives, have, for the last three years, by resolution, imposed upon the Secretary of State the arduous duty of indexing the Journal of that body, for which a compensation from fifty to seventy-five dollars has been allowed.

Respectfully submitted.

WM. SHEETS,

*Secretary of State.*

Mr. Everts presented a petition signed by B. Calwalader and others praying for the location and survey of a road leading from Laporte in the direction of New Buffalo, Michigan Territory;

Which was read, and

On motion, referred to a select committee.

Ordered, That Messrs. Everts, Liston, and Crawford be the said committee.

Mr. Elliott introduced a joint memorial of the Senate, (No. 18,) on the subject of the Cumberland Road;

Which was read once and ordered to a second reading.

Mr. Vawter, from the committee on enrolled bills, made the follow-

ing report: That they have compared the enrolled bill No. 4, of the Senate, with the engrossed bill, entitled "an act to amend an act for the formation of Brown county," approved February 4th, 1836, and find the same truly enrolled.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House of Representatives have adopted the following resolution:

*Resolved*, That a committee of two be appointed on the part of the House, to act with a similar committee to be appointed on the part of the Senate, to ascertain of the judges of the supreme court, whether or not they will undertake to revise the statute laws of this state now in force, as well as those that may be passed the present session of the general assembly, with leave to report their proceedings to each house of the general assembly, and that the Senate be informed hereof and their concurrence requested.

Messrs. Mace and Marshall of Jefferson are appointed that committee on the part of the House of Representatives.

On motion of Mr. Thompson of L. to reciprocate said resolution of the House of Representatives,

*Those who voted in the affirmative are,*

Messrs. Boon, Chambers, Clark, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Everts, Ewing, Fowler, Hackett, Hamilton, Kennedy, Liston, Little, Milroy, Mitchell, Morgan, Plummer, Puett, Stafford, Turman, Thompson of P., Thompson of J., Thompson of L., Trask, Vawter and Walker—32.

*And those who voted in the negative are,*

Messrs. Beard, Bell, Bradbury, Brady, Casey, Dunning, Elliott, Hillis, Hoagland, Sigler, Smith, Stanford and Stewart—14.

And so the resolution of the House of Representatives was reciprocated.

*Ordered*, That Messrs. Thompson of L. and Morgan be the committee on the part of the Senate.

Mr. Brady from the committee on roads, made the following report:

MR. PRESIDENT—

The committee on roads to whom was referred a resolution of the Senate, directing an inquiry into the expediency of memorializing Congress on the subject of the Cumberland road, have according to

order, had the same under consideration, and have directed me to report the following memorial:

The memorial No. 19, was read and ordered to a second reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Bennett a member:

MR. PRESIDENT—

The House of Representatives has passed a bill entitled,

An act to authorize the survey of the east fork canal, in which the concurrence of the Senate is requested.

The bill No. 18, to provide for the survey of the east fork canal, was read and ordered to a second reading on to-morrow.

Mr. Crawford from the select committee to whom was referred a bill to amend an act to authorize certain persons therein named to erect a dam across the St. Joseph river, reports, that they have had the same under consideration, and now report the bill back without amendment.

The bill No. 3, to amend an act to authorize certain persons therein named to erect a dam across the St. Joseph river,

Was ordered to be engrossed for a third reading on to-morrow.

The following resolution proposed by Mr. Dumont, was adopted:

*Resolved*, That the committee on public buildings inquire into the expediency of requiring the Secretary of State and Auditor of State to remove their offices and the state library to the state house.

Mr. Hillis offered the following resolution:

*Resolved*, That the committee on roads be instructed to inquire into the expediency of amending the road law so that it shall be the duty of the supervisors of roads to call out the hands that may be allotted to them, so as to perform the work in their districts on or before the first day of September in each and every year, with leave to report by bill or otherwise.

Mr. Smith moved to amend by adding the following:

And also to inquire into the expediency of repealing the 60th section of the road law of the revised code;

Which amendment was not agreed to.

Mr. Everts moved to amend by adding:

And that each person liable to do work on roads shall for a neglect thereof forfeit and pay the sum of one dollar and twenty-five cents to the supervisors of the several road districts instead of the seventy-five cents as now.

Mr. Clark proposed to amend Mr. Everts amendment by striking out twenty-five cents;

Which was agreed to; and,

On recurring to Mr. Everts amendment as amended it was decided in the negative.

Mr. Dunning moved to amend further by adding the following:

Also to give the boards doing county business power to place cart ways on an equal footing with county roads when the same can be done without injury to the public;

Which amendment was not agreed to.

Mr. Milroy proposed to amend by inserting the following:

And also to inquire what amendments are necessary to the laws to equalize the burthen of keeping roads and highways in repair between resident and non-resident landholders;

Which amendment with the original resolution were adopted.

Mr. Brady proposed for adoption the following resolution:

*Resolved*, That the standing committee on the affairs of the town of Indianapolis be instructed to inquire into the expediency of authorizing a sale of all the lots belonging to the state in and adjacent to the town of Indianapolis.

Mr. Boon moved to amend said resolution by adding the words, and also into the expediency of selling the Governor's Circle;

Which was not agreed to.

And on recurring to the original resolution it was adopted.

On motion of Mr. Mitchell it was

*Resolved*, That a committee of two be appointed from each congressional district, to inquire into the propriety of so amending the law organizing congressional districts, that each district will contain as near as possible the same number of inhabitants, with leave to report by bill or otherwise.

*Ordered*, That the following gentlemen constitute that committee, viz: Messrs. Mitchell, Chambers, Vawter, Daily, Smith, Morgan, Bradbury, Colerick, Everts, Beard, Dunning, Brady, Boon, Sigler.

Mr. Moore proposed the following resolution, which was not adopted:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law that any person suing a householder in the county of Daviess or Martin, shall commence such suit in the township where such householder or debtor resides, in all sums under one hundred dollars.

On motion of Mr. Bradbury,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so changing the law regulating the fees of justices of the peace as to allow them 25 cents for issuing writs of scire facias and writs of venditioni exponas, and also reducing their fees on issuing subpoenas to 12½ cents, and report by bill or otherwise.

Mr. Boon proposed the following resolution:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of extending the feeder of the cross cut canal up Eel river to Bowlinggreen in Clay county, with leave to report by bill or otherwise.

Mr. Sigler moved to amend said resolution by striking out Bowlinggreen and inserting, at the crossing of the Jeffersonville and Crawfordsville rail road near where it crosses the Walnut fork of Eel river in Putnam county;

Which amendment was agreed to;

And as amended, the resolution was adopted.

On motion of Mr. Milroy, it was

*Resolved*, That the standing committee on canals and internal improvements be instructed to inquire into the expediency of so amending the act authorizing a general system of internal improvement, so that timber or other materials for the construction of the public works shall not be taken from the lands of individuals without the consent of the owners thereof.

Mr. Little offered the following resolution for adoption:

*Resolved*, That the committee on agriculture inquire into the expediency of providing for a premium of \$        to be divided into three parts of first, second and third, to be awarded to any of the members of either branch of the next general assembly that will appear on the third day of the next general assembly, with the best suit of domestic manufacture, to be manufactured in the State of Indiana, with leave to report, &c.

Mr. Hillis moved to amend by adding the following:

Made by his own family;

Which was not agreed to.

Mr. Thompson of P. moved to strike out all from the resolving clause and insert the following:

That each member in the Senate appear clad at the commencement of the next session of the legislature in domestic manufacture of this state;

Which amendment was not agreed to.

And on recurring to the original resolution, it was adopted.

The following resolution proposed by Mr. Kennedy was adopted:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law relative to crimes and punishments as to make it felony and punishable by confinement in the state prison, to barter or sell to any person or persons any counterfeit or forged bank bills, on any of the banks within the United States, with leave to report by bill or otherwise.

Mr. Collins proposed to amend by inserting the word knowingly after the words state prison. Accepted.

Mr. Hackett offered the following resolution, which was adopted:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of authorizing plaintiffs and defendants in suits at law in the circuit courts in actions of assumpsit and debt, to require the opposite party to answer under oath under similar or other restrictions and provisions as in courts of justices of the peace.

On motion of Mr. Smith,

*Resolved*, That the committee on the judiciary be instructed to inquire what amendments, if any, are necessary to an act entitled an act regulating prison and prison bounds, approved Dec. 22, 1823; and also into the propriety of so amending the 12th section of an act entitled an act for the relief of insolvent debtors, approved Feb. 9, 1831, so that no prisoner shall be discharged from the said bounds by making the oath as contemplated by said section, unless the affiant first comply with the requisitions of the provisions of the act last recited, with leave to report, &c. Adopted.



The President laid before the Senate the following communication from the Secretary of State.

DEPARTMENT OF STATE,  
Indianapolis, 13th Dec. 1836. }

The undersigned, in obedience to a resolution of the Senate of the 12th inst. requesting him to lay before the Senate a full and complete statement of all the convicts which have been pardoned from the state prison within the last three years, and of what crimes said pardoned convicts were sentenced, submits the following statement, to-wit:

✓ No. 1.	Jerry, a col'd. man conv'd. of murder,	pardoned Jan. 16, 1834.
✓ " 2	James S. Craig convicted of larceny,	pardoned March 17, "
✓ " 3	William Biddle " " "	April 29, "
✓ " 4	William McDowell " manslaughter " "	May 3, "
✓ " 5	John Russell " " "	June 17, "
✓ " 6	Jamison Hamilton " ass't. & battery } " with intent to } " murder, }	pardn'd. Dec. 22, 1834.
✓ " 7	Calvin Jones " larceny,	pardoned Dec. 29, 1834.
✓ " 8	Levi Kiger " " "	Jan. 13, 1835.
✓ " 9	George Myers " " "	" 19, "
✓ " 10	Baron A. Wise " " "	Feb. 6, "
✓ " 11	Michael Vanblaricum " murder " "	" 9, "
✓ " 12	Patrick Brady " larceny " "	" 18, "
✓ " 13	Moses S. Trader " assault and battery } " with intent to com- } " mit a rape, }	pardoned April 10, 1835.
✓ " 14	Benjamin Spelts " larceny.	pardoned April 15, 1835.
✓ " 15	Truman Hubble " burglary " "	August 5, "
✓ " 16	Henry W. Way " forgery " "	" 14, "
✓ " 17	Henry Davis " larceny " "	Oct. 20, "
✓ " 18	Sanford R. Parker " " " "	Dec. 8, "
✓ " 19	Lewis Peyton " " " "	" 15, "
✓ " 20	Davis Whelchell " " " "	" 25, "
✓ " 21	James Adams " manslaughter " "	Feb. 10, 1836.
✓ " 22	John Davis " forgery " "	March 19, "
✓ " 23	John L. Murray " burglary & larceny	pard. Ap'l. 18, "
✓ " 24	Vine Hanes " " "	" June 20, "
✓ " 25	John Saverns " perjury " "	" July 15, "
✓ " 26	Hugh McCall " " "	" Sept. 9, "
✓ " 27	Tobias Woods " assault and battery } " with intent to com- } " mit a rape, }	" Oct. 14, "

Respectfully submitted,

WM. SHEETS,

*Sec'y. of State.*

NOTE.—At the request of his Excellency the Governor, I also have the honor to lay before the Senate, the original petitions of the court,

jury, prosecuting attorneys and others upon which the foregoing pardons were granted. I have arranged them in numerical order, so as to be easily referred to.

Senate adjourned.

2 o'clock P. M.

Senate assembled.

Part of the documents, accompanied by the report of the Secretary of State in reference to pardons, were read.

Mr. Smith moved to refer the report and accompanying documents to the committee on the state prison;

And before the decision of the motion,

On motion,

The Senate adjourned.

SATURDAY, DECEMBER 17, 1836.

The Senate assembled.

The President laid before the Senate the following report from the Board of Directors of the State Bank; which on motion was laid upon the table and five hundred copies ordered to be printed:

*To the Honorable,  
the Senate of the State of Indiana, in session.*

The Board of Directors of the State Bank of Indiana, in obedience to law, respectfully submit their annual

### REPORT.

Semi-annual examinations of the several Branches have been made under the direction of the State Board, pursuant to the charter; and it is gratifying to state, as the result thereof, that the business of the branches appears to have been conducted with prudence and ability, and that the accounts of their operations, as exhibited by their books and papers correspond with their reports to this Board, (which are made semi-monthly), except in a few instances of errors of minor importance readily corrected when observed.

From these reports up to the 26th November, 1836, the condition

of the Institution, as shewn in the accompanying statements, presents full evidence, both of its entire safety, and its general prosperity during the past year.

The object of the first solicitude on the part of this Board, as it will ever be *that* of the State, being so large a stockholder, is of course as to the safety of the Bank; and in this respect, its affairs will favorably compare with those of any banks in the Union.

The accompanying statements of the means, and debts of the institution exhibit the following result, so far as regards its obligations to the Public:

<i>Resources.</i>		<i>Liabilities.</i>	
Bills discounted	2,292,724	Notes in circulation	1,927,050
Bill of Exchange	883,888	Dividends due	30,345
Real Estate	48,901	School Fund	4,200
Personal property	6,001	Public Deposites	2,276,357
Due from other Banks	1,457,204	Private Deposites	431,703
Remittances, Canal		Due other Banks	66,867
Fund, &c.	176,692		
Notes of other Banks	489,753		
Specie	1,204,737		
	<u>\$6,559,900</u>		<u>\$4,736,522</u>

The dividends declared during the past year, with the abundant additions made to the Surplus Fund, will give as satisfactory evidence to the state, as to its *profits* arising from its bank stock, as does the above view, with regard to the *security* of its investments.

In the ten original Branches, the dividends varied from eight to ten and a half per cent. At the 11th Branch, at Fort Wayne, five per cent. was divided for the last six months—the profits of the first half of the year having been passed to the Surplus Fund. The Surplus Fund of the Bank has been increased during the last year \$93,133 21; making the total Surplus Fund at this time \$129,312 56.

On her \$700,000 of stock in the Bank, in use during the year past, the state has received by dividend (in addition to her interest in the increase made to the Surplus Fund,) the sum of \$63,600, being over nine per cent.; leaving \$28,600 clear, beyond the interest paid by the state on that amount of her loan.

The School fund retained in bank this year out of the Stockholders' dividend, is \$2,200, making the amount of that fund \$4,200.

During a considerable part of the present year nearly all the Branches have extended their discount to twice and one-third their capitals, which was the limit fixed by the State Board; and the circulation of the bank in general extended nearly as far as is allowed by the charter. Specie was abundant, and the business of the bank and its customers never appeared more flourishing. Within a short period however, a material change has taken place. Specie has not been imported as usual from Mexico. The efforts of the Government and others to draw specie

from Europe have been much counteracted by the Bank of England. The suppression of small notes in several of the states, and especially the distinction made by the Government between specie and paper, in the payment for public lands, have altogether brought about a state of things seriously affecting the money market. A portion of the specie in the vaults of banks represented by twice or thrice its amount in paper has been withdrawn by the paper being thrown upon the banks for redemption, and the circulating medium of the country has been much diminished. Under these circumstances it is evident that the accommodations of banks would necessarily be much restricted; and that banks situated as ours, are peculiarly affected, may be gathered from the following facts:

At the end of the first six months of the last fiscal year, 30th April, the circulation of the Bank amounted to \$2,204,630. At the close of the year, 31st October, it was \$1,825,150; being a reduction of \$379,480 in six months.

The private deposits within the same period were reduced \$73,641 73, from \$404,273 37 to \$330,631 64. With the new instalment coming in, the aggregate of our business is of course somewhat since enlarged. To what extent the progressive diminution of circulation will extend after the 15th December, when nothing but gold or silver will be received for public lands, cannot be anticipated. But it is manifest, that from the location of our branches in the vicinity of the land offices, and that the public land in our state continues deservedly to be so much an object of attraction, our circulation must be liable to be so much influenced by these and other causes, that the extent of accommodations which the business of the country calls for, and which for its own interest and prosperity, the bank would be prompt to render, may not be in its power, consistently with its higher obligation to be at all times abundantly safe.

There appears, however, no sound reason why we may not anticipate that the principal obstructions to the usual banking facilities, and especially with regard to our own Bank will before long be removed.

Our specie is abundant—our capital is small compared with the actual business, wealth, and wants of the state. The last instalment in the original branches, the second instalment in the eleventh branch, and the increase by private subscription of \$60,000 at Madison, and \$45,000 at Lawrenceburgh, will make our capital actually paid in but \$1,825,000. The Directors of the Branches being personally liable for its correct management, and the separate interests yet common responsibilities of the branches for each other, would seem to secure its solvency under almost any circumstances. If, therefore, it furnishes a secure circulating medium to do the business of the country, if it facilitates our trade and increases the amount of our comforts, all which must be apparent to those who will fully examine the subject, there would seem to be no more necessity of throwing obstructions in its way, than there is of checking the improvements in the mechanic arts, or the facilities of intercommunication between the different parts of our country. As well might we destroy the steamboat, canal and rail road,

and return to packhorses and perogues, as attempt to destroy all the facilities, which universal credit and deserved confidence have given to our banking institutions.

It may not be amiss to inquire in what manner, and at what expense the business of the country would be done, if specie alone were the circulating medium. The advantages of credit could no longer be enjoyed, and capacity for business, integrity, and enterprise, which now not unfrequently, with merely borrowed capital, engage in the most important concerns with success, would no longer find encouragement. Only the few who possess large capitals could engage in business to any extent, and (as there would be no accumulation of funds through banks for use,) they would gather specie slowly, and much of it would lie long useless, previous to being employed in any important operations. Its transportation would be tedious, expensive and hazardous, and the thousand conveniences that now arise from exchanges, commissions, and agencies, must be lost when credit perishes. What little business could be done, would be at the discretion of the few, whose interest would never lead them to compete with each other.

But the amount of business which can be performed with specie is far less, perhaps not half that which can be done with even the same amount of paper. The one has, as it were, wings, passes swiftly from hand to hand, and meets with little detention or obstruction in its career of usefulness. The other passes heavily along, or is, upon the slightest suspicion of an unfavorable change in the state of the times, laid aside, so as often sensibly to affect every kind of business in the community; while being collected or in transitu from one point to another, or while deposited in the private desk or money bag, it is not of the slightest use to any one. But banks use even their temporary deposits in exchanges and other useful operations. They calculate accurately, while their funds are being transmitted without hazard of loss, from and to all places where correct business is done; and they may keep in active operation not only the whole means of the country, but by credit and character double, and perhaps treble those means to increase the general prosperity and comfort. It is manifest to every reflecting mind how fatal the consequences to us must be, if, instead of a sound paper currency, sufficient for the business of the country, we were obliged to substitute a medium one third in amount, and with a much diminished capacity for usefulness.

It is also sometimes objected to banks, that they are monopolies, and institutions fraught with danger to the liberties of the country. In what this monopoly consists it would be extremely difficult to determine. The stock of banks is in market open for purchase to all who choose that mode of investing their property; but in general so many more profitable fields for employing funds are open around us, that few persons engaged in active business will select this mode of investing their money. Instead of the eight or ten per cent. dividend per annum derived from bank stocks, they expect and generally realize much greater profits from merchandize, trading in produce or real property, or almost any of the pursuits open to enterprize. But property in

bank stock is more generally selected by those too far advanced in life for active pursuits, or to provide regular incomes for the support of widows or the education of children. That property apparently so well calculated for the wants of such persons as have nothing to gain from hazard, and which is also well adapted to the wants and uses of the rest of the community, should be subject to the prejudices and hostility from a mere misapplication of terms of reproach, must be a matter of surprise to every calmly reflecting mind. Not only are stockholders incapable, from their habits and situation in life, of injuring the country, but as the prosperity of all banks must mainly depend upon the punctuality and strict attention to business, on the part of their customers, it is scarcely possible that their efforts should ever be exerted against the common good, in which they have so deep an interest.

It is frequently objected to banks, that because it is not in their power to loan to all who may apply and offer what they deem sufficient security, therefore no benefits accrue to the community generally. But the advantages of correct banking are far from being confined to the borrowers of the funds, who, on the contrary, in a change of times are the first to feel embarrassment.

Where well regulated banks exist, more competition, greater regularity and punctuality will prevail in the transaction of the business of the country generally; smaller profits will, by competition, have to satisfy the dealer; and purchasers will have to calculate more accurately their real wants and their means of payment.

It will always be of great importance to the citizens of Indiana, perhaps more than to almost any others in the Union, that they should not anticipate largely the profits of their farms and their industry. While the cotton, tobacco, sugar and many of the manufactures of other states may be kept on hand, even for years, to find a market, the products of our state must in general be disposed of within their season; and the prices of those products depending upon the wants and ability to purchase of the other states and communities, must be liable to greater fluctuation. If, therefore, we so manage our affairs, as to require high prices to be able to comply with our contracts, our welfare and prosperity will be seriously endangered, whenever, from any cause, the value of our produce shall not equal our anticipations. It is certainly unbecoming an intelligent people that they should incur such hazards by calculating upon prices they may never receive, to make payment often for articles that might have been dispensed with. To the industrious, economical, and prudent, it will be small cause for complaint that land and produce vary in their prices.

By a contract with the Treasury department, this institution is made one of the depositories of public money, under the late act of Congress on that subject. As a part of which the pensioners in the state are paid by the Branch nearest their residence.

The establishment of a 13th Branch has not been acted on, inasmuch as the assent of the Branches, as required by the charter, has not, as yet, been given to the amendment authorizing it. On the first day of March last, the full approval of the State Bank and each Branch

thereof to the act of the General Assembly entitled "An act amendatory of an act establishing a State Bank," approved January 28, 1834, and which amendatory act was approved January 26, 1836, was filed in the office of the Secretary of State.

In reference to one of the provisions of such amendment, the Directors of the State Bank, at their first meeting in the present year, proceeded to appoint a committee to examine the 12th Bank District preparatory to an immediate establishment of that Branch, if it should appear for the public good so to do. This examination was held by a part of the committee, and a report was made on the subject to the State Board at their May session.

The large tract of territory embraced within the 12th district, its recent settlement, rapid improvement, and the prospect of its future wealth and importance, render it very difficult, on a hasty view, to do justice to the different points asking for the location of the Branch; and therefore a decision in this respect has been postponed for the present. The time is probably not remote, when at more than one of those points, a Branch of the Bank might be made profitable to the stockholders and advantageous to the public.

The northern part of our state will be found ere long to possess advantages that have not yet been duly understood and appreciated by many of our citizens in other portions of the state. Its inexhaustible beds of iron ore—its water power—its susceptibility of internal improvement—its almost unlimited capacity for the production of wheat, and the growth of stock, combined with its commercial advantages, promise soon to make it, in the hands of its enterprising inhabitants, a highly interesting, populous and flourishing portion of Indiana.

Respectfully submitted, on behalf the Board of Directors,  
SAMUEL MERRILL, *President.*

Statement of the Condition of the State Bank of Indiana, on Saturday, November 26, 1836.

Bills discounted and notes purchased	\$2,292,724 69	Capital Stock paid in	1,585,481 51
Bills of Exchange	333,888 41	Notes in circulation	1,970,595 00
		Among the Branches	43,545 00
Suspended debt	3,176,613 10		
Real Estate—Banking House	2,650 00	Actual Circulation	1,927,050 00
Furniture	48,901 32	Treasurer of the United States	2,267,489 68
Deposites in, and Dues from	6,001 72	Pension Agent of Indiana	8,368 08
Branches and other Banks:		Deposites by, and Dues to	
Branches—Indianapolis	410,073 24	Branches and other Banks:	
Lawrenceburgh	130,919 77	Branches—Indianapolis	3,995 74
Richmond	37,174 37	Lawrenceburgh	299,698 23
Madison	144,687 01	Richmond	91,482 55
New Albany	109,482 35	Madison	61,988 78
Evansville	4,636 23	New Albany	1,108 05
Vincennes	32,245 83	Evansville	58,373 04
Bedford	2,450 00	Vincennes	37,350 12
Terre-Haute	5,140 91	Bedford	35,924 97
Lafayette		Terre-Haute	47,948 72
Fort Wayne	9,216 27	Lafayette	68,057 91
		Fort Wayne	126,271 79
Other Banks	886,025 98		832,199 90
Remittances	1,457,204 65	Other Banks	66,867 08
State Bank of Indiana	131,568 72	Dividends due Stockholders	30,345 44
Commissioners of the Sinking Fund	22,925 62	State Bank of Indiana	157,984 50
	40,165 13	Commissioners of the Sinking Fund	37,324 00
		Commissioners of the Canal Fund	27,253 87



*Statement of the Condition of the State Bank of Indiana, on Saturday, November, 26, 1836.*  
(CONTINUED.)

Commissioners of Canal Fund	69,536 00	School Fund	4,200 00
Cash—Bank notes of other State		Surplus Fund	129,312 56
Banks	489,753 39	Individual Depositors	431,703 16
Spécie—Gold	67,027 17	Profit since last dividend	30,003 44
Silver	1,137,710 42		
	<u>1,204,737 59</u>		
	\$7,536,083 22		<u>\$7,536,083 22</u>

JAMES M. RAY, *Cashier.*

The President laid before the Senate the following reports from the several branches of the State Bank, which have not already reported; Which were referred to the standing committee on banks:

Dr. State of the Branch at Terre-Haute of the State Bank of Indiana, on Nov. 19, 1836. Cr.

Bills discounted	196,037 55	Capital Stock paid in	120,000 00
Domestic Bills of Exchange	39,344 22	Discount	858 11
		Premiums	504 06
Banking House	225,381 77		
Other Real Estate	8,331 50	Treasurer of the U. States	1,362 17
Furniture and fixtures		Interest	8,649 12
Current Expenses	628 06	Deposites by, and Dues to other branches and Banks, viz:	10 18
Deposites in, and Dues from other Branches and Banks, viz:	3 94	Branch at Indianapolis	449 63
Branch at Vincennes,		Lawrenceburgh	5,328 61
Fort Wayne	1,825 21	Madison	44,863 30
Commercial Bank of Cincinnati	1,260 53	New Albany	1,600 93
Tradesman's Bank, N. York	6,362 98	Evansville	323 00
Agency Com. Bk. Cin. at St. Louis	7 00	Lafayette	484 71
Philadelphia Bank	10,343 38	Com. Bank of New Orleans	8,084 84
Bank of Illinois at Alton	398 63	Lancaster Ohio Bank	561 52
Bank of Louisville	307 20	N. W. Bank of Va.	500 00
New York Dry Dock Company	15,279 92		62,696 54.
	57,312 54	Permanent Fund	500 00
Protest		Surplus do.	6,958 97
Sinking Fund	93,097 39		
Cash, viz:	18 25	Dividend No. 1	13 78
Other Branches of S. B'k, Ia.	8,232 13	Dividends No. 2	182 32
Other State Banks		Circulation	196 10
			184,505 00

United States Bank	3,465 00	Individual Deposites	37,042 62
Silver, American	62,346 51		
Gold, American	1,882 78		
	<u>85,927 66</u>		
	<u>\$421,620 70</u>		<u>\$421,620 70</u>

A. B. FONTAINE, Cashier.

*Officer's of the Branch, and their Salaries.*

Denas Denning, President, with a Salary of	\$ 400.
Aaron B. Fontaine, Cashier,	1,000.
Thomas Jennings, Clerk,	400.
William Marrs, Porter,	200.

Dr.

State of the Branch at Evansville of the State Bank of Indiana, on November 19, 1836.

Cr.

Bills Discounted	203,996 61	Capital Stock paid in	120,000 00
Domestic Bills of Exchange	36,404 57	do in 3d instalment	10,953 14
	<u>240,401 18</u>		<u>130,953 14</u>
Banking House Lot	1,000 00	Discount	955 72
Other Real Estate, Vault	542 18	Exchange	437 96
Furniture and Fixtures,	333 21		
	<u>1,875 39</u>	Profit and Loss	
Current Expense	9 74	U. S. Pension Agent in Indiana	921 72
		Unclaimed Dividends	268 14
		Permanent Fund	200 00
		Surplus Fund	3,417 90
		Com'r of Sinking Fund	40 00
			<u>4,847 76</u>
Deposites in, and Dues from other Branches and Banks, viz:		Deposites by, & Dues to other branches and Banks, viz:	
Branch at Indianapolis	1,000 00	Branch at Lawrenceburgh	1,456 11
Terre-Haute	1,853 59	Madison	25,812 88
Lafayette	232 52	New Albany	764 92
Bank of Kentucky	79 76	Vincennes	2,519 36
Bank of Louisville	4,020 85	Bank of Lancaster, Ohio	366 43
Ohio Life Insurance Trust Co.	4,354 14	Commercial Bank of Cincinnati	480 00
Agricultural Bank of Miss.	500 00	Phenix Bank—general account	4 99
New Orleans Canal & Banking Co.	2,945 60		
Merchants Bank New York	5,485 24		
Phenix Bank N. York, special act.	1,500 00		
	<u>21,971 70</u>		<u>31,404 69</u>

Cash, viz:			
Other Branches S. Bk. Indiana	4,450 00		30,428 91
Other State Banks	3,330 00		156,015 00
United States Bank	1,045 00		
Silver, American, }	85,835 04		
“ Foreign, }			
Gold, American, }			
“ Foreign }	2,470 06		
		97,630 10	
			<u>\$361,888 11</u>

## Notes of Branches on hand.

Indianapolis	\$450	Vincennes	\$470
Lawrenceburgh	455	Bedford	645
Richmond	185	Terre-Haute	420
Madison	520	Lafayette	515
New Albany	575	Fort Wayne	215

Individual Deposits  
Circulation

JOHN DOUGLASS, Cashier.

*Officers of the Branch, and their Salaries.*

John Mitchell, President, without Salary.  
 John Douglass, Cashier, \$1,200 “



Notes of Branches on hand:

Indianapolis	1,075 00
Lawrenceburgh	650 00
Richmond	235 00
Madison	250 00
New Albany	1,220 00
Evansville	1,710 00
Lafayette	605 00
	<hr/>
	\$5,745 00

JOHN ROSS, Cashier.

*Officers of the Branch and their Salaries:*

David S. Bowner, President—without salary,	\$1,000
John Ross, Cashier, with salary,	400
Geo. W. Rathbone, Clerk, “	



Dr. State of the Branch at Lawrenceburgh of the State Bank of Indiana, on November 19th, 1836. Cr.

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Bills discounted	163,875 34		Capital stock paid in	205,000 00
Domestic bills of Exchange	156,974 42		Discount	1,172 24
		320,859 76	Exchange	306 44
Banking House		10,281 73		
Furniture and Fixtures		388 00	Profit and Loss	1,478 68
Current Expense		93 67	Treasurer of United States	10,597 16
Deposites in, and dues from other			U. S. Pension Agent in Indiana	159,251 83
Branches and Banks:			Premiums on new stock	449 80
Branch at Richmond	125,968 80		Unclaimed dividends, No. 2	2,700 00
Madison	107 50		Deposites by, and dues to other	35 50
Evansville	1,457 36		Branches and Banks:	
Vincennes	2,665 00		Branch at Indianapolis	294,346 32
Terre-Haute	828 61		New Albany	2,992 69
Fort Wayne	86,825 35		Lafayette	1,286 72
Commercial B'k of Cincinnati	39,100 28		State Bank of Indiana	12,937 50
Franklin	23,866 01		Mechanics' Bank Philadelphia	14 00
Lafayette	1,065 70		Bank of Louisville	38 00
Bank Ohio Life Ins. & Trust Co.	83,567 43		Exchange Bank Cincinnati	10 06
Miami Exporting Company	23,311 03			
Merchants' Bank New York	9,862 62		Surplus Fund	311,675 29
Girard	3,861 04		Permanent "	7,955 05
Bank of Kentucky	1,104 50		Circulation	200 00
Louisville Br. Northern B'k. Ky.	504 22		Individual Deposites	147,825 90
Bank of Orleans	6,444 80			59,076 24
		410,540 25		<u>\$906,244 55</u>

Cash viz: Checks on Banks	10,645 00
Remittance	20,000 00
State Banks & U. S. Bank	31,524 00
Am. & For. Silver & Gold	101,912 14
	<hr/>
	164,081 14
	<hr/>
	\$906,244 55

E. D. JOHN, Cashier.

*Officers of the Branch and their Salaries:*

Omer Tousey, President, with salary of	\$300
Enoch D. John, Cashier,	1,200
W. P. Chappell, Teller,	1,000
C. Stevenson, Book-keeper,	500

Mr. Ewing presented the petition of Ebenezer ward and others, praying further appropriations to the Michigan road;

Which was read and referred to the standing committee on canals and internal improvements.

Mr. Dunning from the judiciary committee, to whom was referred the petition of John Buskirk, made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred the petition of John Buskirk and others, citizens of Monroe, Greene and Vermillion counties, praying the passage of an act legalizing the proceedings of the probate court of Greene county; and also the remonstrance of Samuel Folsom of Owen county against said petition, have had the same under their consideration and report, that they deem it inexpedient to legislate on the subject of said petition, and ask to be discharged from the further consideration of the subject.

*Ordered*, That the committee be discharged.

Mr. Thompson of L. from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred so much of the Governor's message as relates to the boundary line between the states of Ohio and Indiana, have directed me to report to the Senate, for its adoption, the following joint resolution, entitled, a joint resolution relative to the appointment of a commissioner to adjust the boundary line between the states of Ohio and Indiana.

The joint resolution of the Senate No. 20, was read once and ordered to a second reading on Monday next.

Mr. Thompson of L. from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate, instructing an inquiry into the expediency of amending the law in relation to the jurisdiction of justices of the peace in such a manner as to make it uniform throughout the state, either by confining their jurisdiction to their respective townships or extending it throughout each county, have considered the same and have directed me to report the following bill:

The bill No. 21, repealing several special acts in reference to justices of the peace, was read once and passed to a second reading on Monday next.

Mr. Thompson of L. from the judiciary committee, made the following report:

MR. PRESIDENT—

The committee on the judiciary, to whom was referred a resolution of the Senate instructing an inquiry into the expediency of amending the law relative to the mode of doing county business, in such manner as to have it done uniformly throughout the state, have after deliberating thereupon, instructed me to report the following bill:

The bill of the Senate, No. 22, repealing certain laws now in force regulating the mode of doing county business, was read once and passed to a second reading on Monday next.

Mr. Thompson of L. from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred the resolution of the Senate, instructing an inquiry into the expediency of so amending the law regulating the mode of doing county business in the several counties of this state, as to authorize the boards doing county business in each county, to assign and allow an additional justice of the peace in any township in their respective counties, when, in their opinion, such additional justice may be necessary to render convenience to the citizens of said township, have, after deliberation, directed me to report the following bill:

The bill of the Senate No. 23, was read once and ordered to a second reading on Monday next.

Mr. Kennedy from the committee on unfinished business, made the following report:

MR. PRESIDENT—

The committee to whom was entrusted the examination of the unfinished business of the last session, have partially examined the same, and have directed me to report to the Senate the following bill, to-wit: A bill to amend the 9th section of an act relative to crimes and punishment, approved Feb. 10, 1831, and recommend that said bill be taken up and acted on as an original bill.

The bill of the Senate No. 24, was read once and passed to a second reading on Monday next.

Mr. Crawford from the select committee to whom was referred the petition of sundry citizens of Steuben county, praying for the organization of said county, reports, that they have had the same under consideration, and have directed him to report a bill for the organization of the same.

The bill of the Senate No. 25, was read once and passed to a second reading on Monday next.

Mr. Everts from a select committee made the following report:

Mr. PRESIDENT—

The committee to whom was referred the petition of Solon Robinson and others, asking for the organization of Lake county, have had the subject under consideration, and have instructed me to report the following bill:

The bill of the Senate No. 26, was read once and passed to a second reading on Monday next.

On leave granted, Mr. Thompson of L. from the judiciary committee made the following report:

Mr. PRESIDENT--

The judiciary committee to whom was referred a resolution of the Senate, instructing them to inquire if any and what alterations are necessary to the law prescribing the powers and duties of the coroners in the several counties of the state, have instructed me to report the following bill:

The bill of the Senate No. 27, was read once and passed to a second reading on Monday next.

On motion of Mr. Liston, the following resolution was adopted:

*Resolved*, That the committee on the judiciary be instructed to report a bill to the Senate, amendatory of the several acts regulating foreign and domestic attachment, so as to authorize the different courts throughout the State of Indiana to issue alias writs of attachment when it may become necessary.

Mr. Vawter offered the following resolution, which was adopted:

*Resolved*, That the Secretary of State be directed to prepare an index to the journal of the Senate, and that he be allowed the same compensation therefor as allowed for the indexing the Senate journal of 1835-6.

On motion of Mr. Puett,

The vote on the above resolution was re-considered; and,

The resolution the second time adopted.

On motion of Mr. Dumont, the following resolution was adopted:

*Resolved*, That the committee on the affairs of Indianapolis inquire into the expediency of preparing the house and apartments on the circle for the residence of the Governor, with leave to report by bill or otherwise.

On motion of Mr. Brady, the following resolution was adopted:

*Resolved*, That the standing committee on ways and means be instructed to inquire into the expediency of so amending the present revenue law as to require the assessment rolls to be made out in alphabetical order.

Mr. Plummer offered for adoption the following resolution:

*Resolved*, That the judiciary committee inquire into the expediency of passing a law requiring all persons who may apply for license to retail ardent spirits to procure twenty-four freeholders of the town or township in which he is a citizen, to certify under oath that they believe such license is absolutely necessary for the good of the community, with leave to report by bill or otherwise.

The following amendment, on motion of Mr. Milroy, was adopted:

*Provided*, That unincorporated towns shall in the above resolution, be considered as belonging to the townships respectively in which they are situated.

Mr. Cole moved to amend by inserting, inn-keepers excepted;

Which was agreed to.

Mr. Boon moved to amend by striking out oath and inserting honor;

Which was agreed to.

Mr. Everts proposed to amend by inserting the following:

And that the county boards shall not grant license to keep a grocery or to vend ardent spirits, for a less sum than fifty dollars.

Mr. Morgan moved to amend Mr. Everts' amendment by striking out "fifty dollars" and inserting "twenty," which amendment was agreed to; and then Mr. Everts' amendment as amended, was also agreed to.

Mr. Milroy proposed to amend said resolution by striking out that part requiring twenty-four freeholders to certify under oath, and insert the following: "That a majority of the householders of the town or township certify to the necessity of issuing such license;"

Which was agreed to.

Mr. Dobson moved to amend by striking out householders," and inserting "legal voters;"

Which was not agreed to.

Mr. Hoagland moved to lay the resolution on the table;

Which was decided in the negative.

And on recurring to the resolution as amended, it was adopted.

On motion of Mr. Thompson of L., the following resolution was adopted:

*Resolved*, That when the Senate adjourns, it will adjourn until Monday morning, 9 o'clock.

On motion of Mr. Dunning the following resolution was adopted:

*Resolved*, That the committee on education be instructed to inquire into the expediency of distributing the funds arising from the sales of delinquent lands, and also the funds set apart by the State for the use of common schools equally amongst the different congressional townships in proportion to the number of pupils in each, also to give the power to the school commissioners (for said purpose) of appointing trustees in each of the townships, who shall appoint one of their own body treasurer, whose duty it shall be to take an enumeration of the pupils in his township and draw on the school commissioner for his rateable proportion of said funds.

On motion of Mr. Little, the following resolution was adopted:

*Resolved*, That the committee appointed a few days since to inquire into the expediency of reporting a bill to the Senate regulating retailers of spiritous liquors and fixing the rates of license for the same, be discharged from any further consideration of the same.

On motion of Mr. Ewing the following resolution was adopted:

*Resolved*, That the judiciary committee be instructed to take under consideration that part of the ordinance of Congress of the 13th July 1787, which declares that the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common high ways and forever free, &c.; and also the 9th section of the act entitled "an act to provide for the further prosecution of the Wabash and Erie Canal and for other purposes, approved February 6th, 1835, and to report whether or not said act or any part thereof, conflicts with said ordinance of Congress, at as early a period as practicable, and that due reference be had by said committee to that part of an act of Congress, entitled, "an act to enable the people of the Territory of Indiana to form a State government, and for the admission of such state into the Union on an equal footing with the original States," approved, April 19th, 1816,) which will be found under the 4th section thereof.

On motion of Mr. Kennedy the following resolution was adopted:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of prohibiting the granting of license to retail spirituous liquors on any of the lines of our public works, except it be within the limits of a town or village.

On motion of Mr. Casey the following resolution was adopted:

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of authorizing the Board of Internal Improvement to put under contract for completion, the turnpike road leading from Mount Vernon to Princeton, or so much thereof as they may deem expedient.

Mr. Turman offered for adoption the following resolution:

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of stopping all further operations on all improvements undertaken by the State at the last session of the Legislature, and included in the act for a general system of internal improvement; except the Northern, the White Water, the Central and Wabash & Erie Canal, and until they are fully completed.

Mr. Thompson of L. moved to strike out the words "stopping all further" and insert "progressing as rapidly as possible," which was agreed to.

Mr. Dunning moved to strike out the word "except," which was agreed to, and

Mr. Brady moved to lay the resolution on the table which was not agreed to,

And the resolution as amended was adopted.

On motion of Mr. Hackett the following resolution was adopted:

*Resolved*, That the committee on public roads and highways be instructed to inquire into the expediency of exempting supervisors from attesting under oath the accounts to be handed over to their successors as prescribed by the 70th section of the road law of 1831.

The President laid before the Senate the following communication from the Commissioner of the Michigan Road, which

On motion, was laid upon the table and 100 copies ordered to be printed:

INDIANAPOLIS, Dec. 18, 1836.

HON. DAVID WALLACE,

SIR:—Permit me through you, to lay before the Senate my annual report of the appropriations upon the Michigan Road.

Yours, &c.,

WM. POLKE, C. M. R.

In obedience to law, the Commissioner of the Michigan Road submits his annual

### REPORT:

That on the passage of the act for the improvement of the Michigan road and for other purposes, approved Feb. 6th, 1836, he without delay, entered into bond and proceeded to make such arrangements as would enable him to commence the improvement of the road early in the season. As the amount of money appropriated was small, it was thought advisable, instead of letting numerous small contracts, to employ competent men of integrity, whose business it should be to hire hands and teams and superintend in person, the operations upon different divisions of the road. On the 16th of February, he addressed a letter and propositions to Erasmus Powell and others, of which document "A" is a copy, which will show the mode adopted to make the road equally good at all points, and which has been pursued, with such deviations only as circumstances rendered necessary. Owing to the increased price of labor and provisions, the contractors generally were unwilling to accede to the propositions unless tools were furnished by the commissioner, which was done in most cases. Such tools as were furnished are now on hand and subject to the order of the General Assembly.

As the sum received from the sale of lands during the summer was greater than was anticipated, the contracts were extended as funds were received.

Each contractor was directed to furnish a monthly return of the improvements made by him. To incorporate these returns herewith, would swell this report to an unreasonable length, but they can at any time be submitted to the inspection of a committee.

Paper "B" will show the amount expended by each contractor on the two divisions of the road, and designates the nature of each contract.



On the first division, extending from Madison to Logansport 163 miles, there has been expended the sum of \$9,234 35, including a contract of \$84 10, which had been performed the previous year, but which was overlooked in last years report. The sum of \$10,413 75 has been expended on the division north of Logansport, 102 miles. The larger proportion of former appropriations having been expended upon the southern division of the road, as will be seen by reference to document "R" of last years report, it was deemed just to equalize the expenditures in some measure during the present year.

From the experience of the two last years it is clearly ascertained, that in the rich level lands a clay turnpike will not answer the purpose of making a permanent road at all seasons of the year, and the mode has been adopted of covering the turnpiking in the worst marshes with substantial timbers and then covering the timbers with a good coat of sand, or of the best material which could be had in the vicinity. After a road has been thrown up and travelled upon so that the rails or timbers can be firmly bedded in the earth and secluded from the air, it is believed that causeways can be made which will last and be passable for many years.

Several bridges were partially injured by the high waters which it became necessary to repair, and one on the 76th mile north of Logansport was entirely swept away, which rendered the road almost impassable. This has been replaced by a permanent frame bridge which it is believed will not be liable to be destroyed by high waters. Other permanent improvements were much needed, but as the commissioner was required by law to make all parts of the road, as nearly as practicable, equally passable, he did not feel authorized to expend large sums at any one point except where such expenditure was indispensably necessary. On account of the heavy rains in September and October and the large number of loaded wagons passing upon the road, several places north of Indianapolis were rendered nearly impassable, at the time your commissioner came to this place in the latter part of November. Though he had intended to be able to furnish the General Assembly, before this time a final statement of all the operations upon the road, he was induced to make a few specific contracts for causewaying and covering, in the manner above described, a few of the worst places and necessarily at high prices. These contracts are now in process of completion, and your commissioner is advised that they will be finished in a few days.

Document "C" is a recapitulation of the amount of sales of land in each year, and of the number of acres remaining unsold, by which it will appear that the road fund is nearly exhausted.

As the duties of the commissioner were increased by means of a greater amount of funds having come into his hands than was anticipated, and as he was not authorized to employ a clerk, his books are not in such a state of forwardness, as will enable him at this time to state the precise amount of funds in his hands unexpended. And as some road scrip is yet unredeemed, and some bills of contingent expenses have not been presented, a supplemental report will be made out in a few days.

The Commissioner would respectfully call the attention of the General Assembly to the correspondence with the Land Office Department, communicated in his last year's report, as it is indispensable that the title of the State to a portion of the Road lands should be perfected, which has not yet been accomplished, owing, as is supposed, to the great pressure of business in that department.

No answer has been received to the letter of September 16th, 1835, either by your Commissioner or the Secretary of State. Doubts are entertained by your Commissioner, as to the propriety of continuing the correspondence, as by law his term of service expires on the 20th of January next, and some provision will be necessary to continue the correspondence till a full title is finally vested in the State. As the present Commissioner of the General Land Office is fully acquainted with the whole history of the Road Grant, no difficulty can be anticipated in procuring a final adjustment of the affair.

All which is respectfully submitted,

WM. POLKE, C. M. R.

Indianapolis, Dec. 17, 1836.

[ A ]

[Copy of a letter to Erasmus Powell, Esq., of Shelby county.]

CHIPPEWA, February 15, 1836.

SIR—

After mature deliberation as to the best method of improving the Michigan road during the ensuing season, I have thought best to engage men of judgment and integrity to employ work-hands and superintend the operations upon different portions of the road. It is my object to make all parts of the road, as nearly as practicable, equally good. Of the funds now on hand, the proportion to be applied south of the Wabash, will be about \$6,000, of which amount it will be necessary, in order to comply with the requisitions of the law, to expend something more than one half between Logansports and Indianapolis, as the country between those points is more level and wet than south of Indianapolis. Enclosed is a proposition which I submit for your consideration. The proposals are such as appear to me to be just, both to the public and to the persons employed. The work is to be done at such places as we may agree upon, between Logansport and Napoleon. I have addressed similar letters to Mr. Bryan, of Decatur county and others, in whom I have confidence, only varying the amount to be expended upon the different divisions, as seemed most equitable. Should you accede to my propositions, please sign the within memorandum, returning a copy, and returning the original to me.

Yours, &c.,

WM. POLKE, C. M. R.

## [Copy of the Memorandum.]

SIR—

Having confidence in your judgment and integrity in improving the Michigan road, I submit the following propositions:

1st. Employ 15 hands for four months, between 1st April and 1st September, 110 days each, at \$1 00 per day each	1,560 00
Three yoke cattle and carts, at \$1 00 per day each team	312 00
Your own services, same time at \$2 00 per day	208 00
	<hr/>
	\$2,080 00

P. S.—Such tools as are necessary, except carts and ploughs, will be furnished by the State, you to return them at the expiration of the time, and to take reasonable care of them while in your possession.

## [ B ]

*Amount of Improvements on the Michigan Road, 1836.*

1835 Peter Day, repairing Bridge	\$4 60	
Wm. Morgan, extra turnpiking	30 00	
Thos Hendricks, do	49 50	\$84 10
1836 John Sering, improving hill at Madison		200 00
Robert B. Mitchell, repairing turnpike from 3 to 19, North Madison, as per monthly returns		451 50
Wesley Copeland, do 13 and 14, as by agreement with D. Hillis		150 00
Joseph Breeding, from 20 to 34 inclusive as per mo. ret's	1,006 50	
Joseph Clark, do 38, N. Madison	50 00	
Sam'l Bryan, from 34 to 62 & 99 to 112, per mo. returns	2,081 00	
Erasmus Powell, 63 to 80 and 112 to 134	" "	2,373 00
James Greer, & Wm. Griffith, 81 to 93	" "	800 00
Ira Allen, 134 to 160	" "	1,432 75
Benjamin Cruse, five rods causewaying and repairing Bridge on 113th mile		25 00
Daniel Heaton, large culvert bridge on 113th mile		10 00
D. Stower, repairing bridge 123		2 50
Wm. Bogle, 100 rods causewaying, 117, 133 and 139, N. Madison; also turnpiking and repairing bridges		293 00
Wm. Lane, 30 rods causewaying on 117th m. and cul.		75 00
Lewis Harris, 70 rods causewaying 118 and 119, and three culverts		175 00
John Shields, 10 rods causewaying 151 and 152		25 00

Amount south of Logansport

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\$9,234 35

Chas. Polke causewaying, turnpiking, &c. from 1 to 20 N. Logansport as per monthly returns,	1,968 50
Wm. Spencer repairing causeway on 21 and 22,	38 00
Jas. Robbins from 21 to 25 as per monthly returns,	240 00
Tesdell Hoskins improving banks Tippecanoe, and sanding, turnpiking, &c. - - -	25 00
Wm. T. Polke 3 rods causewaying, and sanding turnpike on 26th mile, - - -	7 00
Sidney Williams from 25 to 39 as per monthly returns, and 40 rods causewaying, - - -	2,207 00
J. Blakely 29 rods causewaying, and sanding marsh 39th north Logansport, - - -	87 00
Chas. Ousterhout causewaying swamp, and grading bank on 41st mile, - - -	40 00
Adam Vinnege 43 to 50 as per monthly returns, -	1,223 00
William Owens 34 to 35, and from 50 to 55 as per mo. returns, - - -	1,989 00
John Bacon grading bank and sanding causeway on 56th mile, - - -	10 00
John Henderson 56 to 59 as per monthly returns, -	340 00
Jas. Henson 60 to 62 as per monthly returns, -	242 00
J. & A. Palmer grading hills on 63 and 64, -	143 00
Jacob Bratt grading hills, 71 and 72, -	106 00
Reynolds Dunn furnishing timber and repairing bridge on 76th mile, - - -	46 00
Elijah Senebeck frame bridge 146 ft. on 76th mile,	370 00
Wm. Bell causewaying and raising turnpike on 80th m.	110 00
Oliver Shurtliff from 88 to 102 as per mo. returns,	1,222 25
	<hr/>
	\$10,413 75

*Amount of sales of Michigan Road Lands in each year and statement of lands bid off and forfeited, &c.*

Date.	No certificates.	No. acres.	Price.	No. for cer.	Description.	S.	Town.	Range	Acres and parts.	Price in dollars and cts.	Nett amt. sold.	Amount of purchase money.
Oct. 1831	1 to 385 inclusive.	29,609	68 4,371	91	E. ½ N. E. ¼ 36	36	N. 1	3 W.	80 15	100 19	29,529 53	49,271 72
June 1832	386 to 564	13,709	38 18,134	39	N. ½ S. E. ¼ 34 selected	34		lands.	117 00	152 10	13,512 33	17,882 23
					546 W. ½ N. E. ¼ 36	36	N. 1	3 W.	80 05	100 06		
Oct. 1832	365 to 763	15,113	66 22,635	51	594 W. ½ N. E. ¼ 1	36	N. 1	4 W.	80 17	100 21	14,874 75	22,237 52
					603 W. ½ S. W. ¼ 8	36	N. 1	3 W.	79 47	198 67		
					654 E. ½ N. W. ¼ 24			"	79 29	99 11		
private sales												
fall 1832	764 to 868	9,219	82 11,524	77							9,219 82	11,524 77
1833	869 to 1341	36,495	00 45,618	75							36,495 00	45,618 75
1834	1342 to 1746	34,071	08 42,588	57							34,071 08	42,588 57
1835	1747 to 1939	18,938	56 39,068	81	1927 N. W. ¼ 22	28	N. 1	5 E.	160 00	200 00	18,778 56	38,868 81
1836	1940 to 2031	10,431	91 13,180	28	This tract was sold a second time by mistake and the money refunded to last purchaser.						10,431 91	13,180 28
									676	13,950 34	166,912 96	241,173 65



The communication and accompanying documents from the Secretary of State, in reference to Pardons, was

On motion of Mr. Vawter, referred to the standing committee on the state prison.

On motion,

The Senate adjourned.

MONDAY, DECEMBER, 19, 1836.

The Senate assembled.

On motion of Mr. Beard,

The rule of the Senate was dispensed with and the bill of the Senate, No. 5, was read a third time and passed.

Mr. Liston presented the petition of Samuel C. Sample and others, praying for an appropriation on the Michigan road between Indianapolis and Lake Michigan; which,

On motion of the same gentleman,

Was referred to the committee on canals and internal improvements.

Mr. Liston presented the petition of sundry Indian chiefs;

Which,

On motion of the same gentleman,

Was laid upon the table.

Mr. Colerick presented the petition of sundry citizens of Allen county, praying permission to use some of the water, running over a certain dam across the St. Joseph river;

Which,

On motion of the same gentleman,

Was referred to the standing committee on canals and internal improvements.

On leave granted, Mr. Morgan introduced a bill,

No. 28, in conformity to a petition to that effect, for the formation of Pleasant Run school district in Carroll county;

Which was read once and passed to a second reading on to-morrow.

Mr. Dunning presented the petition of sundry citizens of Monroe county, praying to be formed into a school district;

Which,

On motion of the same gentleman,

Was referred to the standing committee on education.

The President laid before the Senate the following report from the Trustees of the State College of Indiana;

Which,

On motion of Mr. Dunning,

Was referred to the standing committee on education.

*To the Honorable the members of the Senate, and  
House of Representatives of the State of Indiana :*

In compliance with the requisition, expressed in the charter of the State College of Indiana, the Trustees of said college beg leave respectfully to submit the following

### REPORT:

Having for the last two years entered into a detailed report of the concerns of the college, and nothing of a new or interesting character having occurred in the interim, the Trustees would merely state for the information of the General Assembly, that the College continues to increase in prosperity, the number of students annually augmenting, and the reputation of the institution being considerably enhanced both at home and abroad. The Professor of Mathematics, Mr. Elliott, has resigned his situation in the College, and accepted the Presidency of the State College of Mississippi. Mr. Maxwell, the tutor in the Preparatory Department, having received an invitation to act as Professor of Languages in the above College, the places of those gentlemen have consequently become vacant, and been temporarily supplied by the Faculty.

The Board would respectfully solicit the attention of the legislature, to the propriety of selling the two reserved sections of land lying immediately east and west of the College, particularly the former. Land is at present selling at an exorbitant price in the vicinity of Bloomington, and it is believed advantageous sales may be made of those sections by paying one-fourth in hand, and the balance in three or four years, with interest from the date. As an additional inducement we would remark, that those sections of land would deteriorate in value, if not sold immediately, from the fact that the timber on them is liable to be continually pillaged. Messrs. Morris, McLaughlin, & Dunn not having complied with the act of the legislature in attending regularly the sessions of the Board, their places have been supplied by the appointment of Messrs. West, Ballard, and Turner.

All of which is respectfully submitted.

WM. C. FOSTER,  
*Chairman of Committee.*

December 15th, 1836.

The President laid before the Senate the following communication, report, and accompanying documents of the State Board of Internal Improvement;

Which,

On motion,

Were laid upon the table.



## [ A ]

*To the Senate and House of Representatives  
of the General Assembly of Indiana:*

The State Board of Internal Improvement, as required by law, submits the following

## REPORT.

The members of the Board in compliance with a notice from the Executive, met at Indianapolis on the 7th of March last, and organized by the appointment of David H. Maxwell President and James Morrison Secretary. Among the important considerations which first claimed their attention, was the policy to be adopted and pursued, in the commencement of the public works, and upon this point they came to the conclusion to put such portions of them under contract, as in their opinion would be the soonest productive to the state, and at distances so remote, as not to interfere with one another in the price of provisions and labor; and further, that the same when completed, should be useful and available works, in case war or some other contingency should arise, to suspend further operations; judging from our own experience and that of other states, that foreign labor as well as foreign capital must in a great measure be relied on. In pursuance of this policy, the Board ordered to be put under contract as follows:

The White Water canal, between Lawrenceburgh and the feeder dam, next above Brookville;

Twenty-two miles of the Madison and Lafayette rail road, commencing at Madison;

The heavy work on the Wabash and Erie canal between the work now under contract near Georgetown and Lafayette; and the entire portion of said canal between Wild Cat and Lafayette;

The Cross-cut canal from Terre Haute to the head of Eel river feeder;

The Central canal between the dry fork of Pigeon creek and the town of Evansville;

The Central canal from the feeder next above Indianapolis to the Bluffs of White river below said town;

The New Albany and Vincennes McAdamized turnpike road, from New Albany to Paoli, so far as to have the same bridged and graded;

Twenty miles of the Jeffersonville and Crawfordsville road; and the Wabash and Erie canal east of Fort Wayne to the Ohio line—the two last conditionally;

The canal line from Lawrenceburgh to Brookville, the rail road from Madison to the vicinity of Vernon, the McAdamized road from New Albany to Paoli, and the canal line from Evansville to the upper feeder on Big Pigeon, are strictly within the rule of the Board above allu-

ded to, and will be useful works of themselves so soon as they shall be completed.

At the first view, it may appear that the lines put under contract on the Cross-cut canal, and at Indianapolis, are exceptions to this principle, in commencing the public works, and the Board will therefore invite your attention to the reasons which have governed their decision.

The canal line from Evansville to Terre Haute, from the physical formation of the country, forms our great natural division in our works, which when completed will be amongst the most profitable portions of it; but it is so situated, on account of the supply of water, that it can yield but little revenue in any of its parts, until the whole division of about 100 miles in length shall be completed. The places are so remote, as not to clash in the economical prosecution of the works, and it was thought that the division would be soonest completed, by commencing simultaneously at the extremes.

An immense commerce must float upon this line, in the exportation of the staple commodities of the Wabash, through which they can be taken to an early market, and in the returns from the eastern cities and the south, which will have a safe and prompt conveyance to the interior through the same channel. At present, as is well known, it is frequently late in the season, sometimes as late as the month of June, before the surplus of that fertile region can find an outlet, much to the discouragement of enterprise and the injury of the agricultural interest. The division of canal work at Indianapolis, was considered by the Board as predicated upon strong claims. They believe that from the great trade of Indianapolis both for exportation and demand, it will yield as much revenue as an equal portion of canal in any other part of the state,—and as an additional reason of no less importance, by taking in the feeder to supply the line to Port Royal, at a small increase of cost to the state, all the surplus water of White river over the ordinary demand of the canal, can be discharged at Indianapolis. The water power incident to public works must be some years in operation, before the business of a country is fully extended to the accommodations which it never fails to afford; but when the mutual advantages are brought to bear upon the community, it will multiply the receipts of tolls on our canals and rail roads, and conduce much to the general value of the property of the country. It is also well worthy of notice, that a canal from Indianapolis to the Wabash and Erie canal, can be completed in about the same time that the connection of the rail road from that point to Madison will require, and probably but little short of the time when the Maumee division of the Wabash and Erie canal in Ohio will be completed; and that by this chain of improvements, a communication can be effected between Lake Erie and the Ohio river, within a period of four or five years. The importance of this connection through the centre of the state, for the purpose of tolls, the fact of its giving the Wabash and Erie canal access to the eastern cities by way of the Pennsylvania public works, and the influence which the commencement of this division of work should and must have in inducing the state of Ohio to proceed with the Maumee division, are among

the important considerations, which in this particular influenced the minds of the Board. The extension of the Wabash and Erie canal, from Georgetown south to Lafayette, and from Fort Wayne east to the state line, independent of other reasons, is so obviously necessary to render available the parts already completed and under contract, that we presume it needs no comment to be duly appreciated.

After disposing of the subject of the work to be put under contract, the next consideration was the superintendence of it, so far as that fell under the special charge of the Board, and in the first place, the following disposition was made of the members of the Board. The President was appointed the acting Commissioner on the Jeffersonville and Crawfordsville road,—Mr. Woodburn on the Madison and Lafayette rail road,—Mr. Clendenin on the New Albany and Vincennes McAdamized road,—Mr. Long on the White-water canal,—Mr. Hall on the southern division of the Central canal,—Mr. Blake on the Cross-cut canal,—Mr. Johnson on the Wabash and Erie canal from Georgetown to Lafayette,—Mr. Lewis on the Wabash and Erie canal from Huntington to the State line, and on the Erie and Michigan canal,—and Mr. Burr on the middle division of the Central canal at Indianapolis, and also on the Wabash and Erie canal, between Huntington and Georgetown.

It is here proper to remark, that since this arrangement, Mr. Hall has withdrawn from the Board, and Mr. Clark been appointed in his place, to whom the the duties of the former gentleman have been assigned. That portion of the superintendence which was to devolve on the Engineer Department, was deemed of vital importance to the success of the works. To have allowed each acting commissioner the employment of an independent corps of Engineers to conduct the operations on his line separately, would have led to the most disastrous consequences. It would have caused a difference in the mode of accountability for the disbursements made, a spirit of rivalry indulging itself in the expenditure of large sums in matters more costly than useful, an eagerness to push forward particular lines independently, without due regard to the interest of the whole, and thereby placing too much work under contract; besides, the deviations in opinion necessarily growing out of such a state of things, bidding defiance to that union and harmony, in the design and style of the public works, so essential to their economy and usefulness. To avoid these objections, it was deemed advisable to appoint a Principal Engineer on canals, and one on roads and rail ways, for the superintendence of these works respectively, requiring them to procure and assign to each acting commissioner a resident engineer, to prepare the plans for the different locations and structures on the several lines,—give the necessary orders to the residents, and receive their returns, and keep the Board fully advised of all their proceedings. Upon this subject the Board will further observe, that in the system of public works in this state, there is a minute connection and dependence, which render necessary harmony throughout, and this is the crisis to insure such a consumma-

tion, as the preliminary surveys are very far from being complete and the permanent locations not made.

The place of Principal Engineer on canals, was tendered to and accepted by Mr. J. L. Williams, whose superior qualifications have been made known to the public, through a career of usefulness to the State; and measures were immediately taken to procure an engineer for the other department. Mr. Williams and Mr. Clendenin were instructed to visit the Eastern States for that purpose, but their mission proved unsuccessful, in consequence of their having been limited by the Board to an annual salary of \$2,500, and from the necessity of the case, the President of the Board was then authorized to employ a principal engineer on roads and rail ways, upon the best possible terms. Mr. Henry M. Petit was finally employed at a salary of \$3,000 exclusive of contingencies, and from the manner in which he has been recommended to us, and the reputation he has acquired from his experience in public works, the State has a sufficient guaranty that the duties confided to him are in safe and competent hands.

The resident Engineers finally assigned to the various lines, are as follows: Stearns Fisher, to that part of the Wabash and Erie canal extending from the State line to Lafountain's creek; L. B. Wilson, from Lafountain's creek to Georgetown; Anderson Davis, from Georgetown to Lafayette; Simpson Torbert, to the White-water Canal; T. A. Morris, to the Indianapolis line; C. G. Voorhies, to the Evansville line; Wm. J. Ball, to the Cross-cut canal; and Solomon Holman, to the Fall creek survey and the preliminary examinations on the Erie and Michigan canal; R. H. Faunt Le Roy, to the Jeffersonville and Crawfordsville road; E. M. Beckwith, to the Madison and Lafayette rail road; and John Frazier, to the New Albany and Vincennes McAdamized road. From the great number of public works recently commenced in the several states of the Union, much difficulty was also experienced in obtaining the number of Resident and Assistant Engineers required by our increased operations, and as an unavoidable consequence, the surveys have not been carried on with the rapidity which was wished, nor to the extent which the law required. An important question was to be settled in relation to the Jeffersonville and Crawfordsville road, and the Board felt the necessity of having the advice and opinion of some person of great practical experience, to lead them to a proper decision; but not having a Principal Engineer on roads and rail ways, nor the prospect of getting one before the season for field duties had too far elapsed, the acting commissioner on this route was induced to employ Mr. R. H. Faunt Le Roy to make the survey, or at least so much of it, embracing the most difficult portions, as his time up to the first of October would permit. This duty has been executed by him as far as practicable, with zeal, industry, and ability; but it was found impossible within the time to complete the survey and examinations throughout the line. His report, laid before the Board by the acting commissioner, leaves little or no doubt of the practicability of having a rail road on the route, either as to the physical difficulties to be overcome or the cost of its construction within reasonable limits;

and they feel confident that any, ultimate decision of the Board must be in favor of that character of improvement; but as the survey was incomplete, and at the time the report was made, a principal Engineer on roads and rail ways had been employed, the subject was submitted to him for at least a cursory examination. To have pronounced as a Board upon its absolute practicability, without a thorough examination; might have exposed them to the charge of acting rashly on one of the most important questions entrusted to them, and left the public mind unsettled as to the usefulness and practicability of the contemplated work. As soon as the Principal Engineer on roads shall report to the President of the Board, that a rail road is practicable, he is instructed by the Board, without further orders, to put 20 miles of the same forthwith under contract. Another important question to be settled, was the proper point of intersection of the Cross-cut with the central canal, to ascertain whether the line of the former shall remain as now located by Mr. Davis, or be extended along the west side of Eel river to Black creek. The acting commissioner on that line continued his party in the field up to the 15th of November, and the Board are well satisfied that his compliance with the law in this particular has only been deferred, because it was impossible for him to comply without inexcusably neglecting that portion of his line, which he was imperiously required to put under contract. In prosecuting the surveys for a canal from Fort Wayne to Michigan, the Commissioner, Mr. Lewis, has spared no pains in his explorations of that region. In the early part of the season, the surveys were commenced under the immediate charge of Mr. S. Holman, a canal Engineer of much ability, but the route which he first examined being as ordered, on the direct line from St. Josephs to Michigan City, and presenting so many obstacles to be overcome without passing the canal 5 or 6 miles through the Territory of Michigan, it was deemed advisable to employ an Engineer who had practical knowledge of the construction of rail roads, with a view of having examinations made for that mode of Improvement. Gen. Wm. B. Mitchell, who has had much experience as an Engineer, both on rail roads and canals, was charged with this survey, but before he could commence operations, Mr. Holman in the meantime examined the district of country south of the direct line first examined by him, and reported it altogether practicable to have a canal on the latter route, in which opinion Mr. Mitchell upon examination fully concurred, and recommended the canal in preference to a rail road. This latter route lies considerably south of the line first mentioned, is well supplied with water, and admits of the construction of a canal at a moderate expense. In one part of it, there is a considerable deflexion from the direct line, and it becomes circuitous, but upon the whole this circumstance is not considered objectionable, as the public interest will be fully indemnified, by the facilities it will afford of being connected with the Illinois canal, and possibly at some future period, with the Wabash and Erie canal, by a work down the valley of Tippecanoe river. The importance of this route, in forming a connection between Lake Erie and Lake Michigan, will be readily perceived. The great amount of

trade it will command in the lumber, iron, &c. of the northern Lakes; its probable and very cheap connection with the Illinois canal; and the prospect of its commanding the rich trade of the Illinois valley, are considerations which conspire to make it one of the most interesting works of this state, and the route should be commenced and carried on, with as much rapidity as a due regard to economy will justify.

The Fall creek route on the Central canal, has recently been examined and surveyed by Mr. Holman, the object of which was to compare the cost of the route with the one pursuing the immediate valley of White river, which was surveyed last year by Mr. Gooding, hoping to find it a cheaper and also a safer route, and in the event of its practicability, to determine the propriety of carrying the Central canal through Pendleton, and thereby render the means of transportation easy to the valuable stone quarries in its neighborhood. The difficulties of obtaining a sufficient supply of water, and of passing the canal north of Pendleton to Andersontown, form serious objections to this much desired plan. The Engineer after the most thorough investigations, to which his attention had been particularly directed; could devise no other plan nor find any other route for the canal line between Pendleton and Andersontown, than that of passing it through the ground and on the side of the large reservoir originally located for the supply of water for the Pipe creek summit, and in constructing the canal at this point, a bank of twenty-five feet in height, for several miles in length, must be raised to confine the waters of the reservoir from the canal. The great pressure of water on a bank of that height, and its peculiar liability to break, after the spring floods have subsided, draining the reservoir when it could not be again seasonably filled, and interrupting the navigation of the long length of canal line north of the reservoir, for months at a time, involves so much hazard as to render the expediency of adopting this plan and route, a doubtful matter.

The river route is well supplied with water, and the construction of the canal in its valley creates a great amount of water power, and it would be much more secure than a canal by the side of the reservoir; and, in case of accident, would be less liable to the tedious interruption of commerce, for if breaches should at any time occur, as soon as repaired the canal will be ready for use. The cost of construction in the valley of the river is estimated at \$108,185 42 cheaper than the Fall creek route, although the latter is 8 miles 45 chains shorter than the former. It is justly remarked by the Engineer, that the construction of a canal down the valley of Fall creek, will lessen the amount of water to the country. Its size renders it cheaply improved, and available for mill purposes at ordinary cost. The adoption of this route will necessarily destroy a large amount of property, already invested in mills, &c. which will have to be indemnified by the state, and at the same time, from the necessity of taking in feeders at short distances from the creek, the quantity of water passing the locks on the canal, will not be sufficient to propel machinery; and the privileges for that purpose afforded by the stream will be lost to that section of the state.

The short time which has elapsed since the route was surveyed, has prevented the principal Engineer on canals from giving it a personal

examination, and although from the information now before the Board, they would be inclined to prefer the river route, yet it is so desirable to pass the canal by the stone quarries, and save nearly nine miles in distance, that they will reserve the decision of preference between the two routes, until other examinations shall be made, with the hope, that some plan may be devised, in passing the reservoir, that will be free from such fatal objections.

As Fall creek was known to be insufficient for the supply of water for the route, its practicability depended on the capacity of the country for the construction of reservoirs, to render available the water which falls in the spring floods, and the surveys and explorations of the Engineer, of that section of country, in relation to the subject, have been extensive; and he has collected such a mass of topographical knowledge as will be of great use in determining the practicability of another important question, a canal communication between the White Water and Central canals.

The report of the principal Engineer on canals, accompanied by the reports of Messrs. Mitchell and Holman, the latter particularly relating to the Fall creek route, is herewith submitted, and the Legislature is particularly referred to the report of the principal Engineer, as a document of great interest and value upon the subject of our canals generally, and the surveys and locations actually made.

In compliance with the order of the Board heretofore mentioned, portions of the public work have been permanently located and put under contract, and the length, cost of location and superintendence, amount paid for construction, estimated cost at contract prices, &c. of each, will be found detailed in a tabular statement hereto annexed. In the cost of location, in some instances is included the pay and emoluments of all the officers, and all the contingencies on each line up to the first of this month, and in some cases, as it will be perceived, a greater number of miles has been located than is stated there to be put under contract. On all the lines the recent locations have varied from the original surveys more or less, and in some instances the changes have been attended with an immense saving to the state. On the 30 miles of White Water canal, the cost of the work at contract prices has been reduced from the original estimate on the same \$28,585, on 14½ miles of the main line of the Cross-cut canal embraced in the contracts made on the 15th November last, the saving by a change of location simply is \$50,866, and on the southern division of the Central canal at Evansville of 32 miles, by a change of route and comparison of present cost at contract prices, with the original estimates on the same, there is a saving of \$204,674. The contracts on the public works generally, have been taken at an average advance of about 4 per cent. on the estimates recently made by the Engineers, at the time of the several lettings.

All the minutia relating to the operations and disbursements on the different lines, are by a standing rule of the Board, reported to them by the acting commissioner on each line, and copies of their reports or any of them will be promptly furnished the Legislature whenever they may be required.

The work done on the new lines must be necessarily limited in amount, in consequence of the short time which has elapsed since the contracts were taken; but the lines have all been commenced with spirit, are generally well supplied with hands, and a large amount of work will be done on them in grubbing, clearing, excavating heavy work, and in procuring timber during the winter.

The present year's operations on the Wabash & Erie Canal have been carried on with some degree of rapidity. From Huntington to Lafountain's creek, a distance of thirty-five miles, only \$27,000 worth of work is left unfinished, and this amount is distributed on several locks, which can be completed in a few weeks in the spring, and which have been delayed in consequence of the unlooked for failure of the quarries to supply the necessary quantity of stone. But for this disappointment, this part of the line would have been filled with water, as soon as it was anticipated when the last year's report was made. On the division from Lafountain's creek to Georgetown, 21 miles long, the work is more than half done. This line was let in September, 1835, and with ordinary exertions will be finished by the first of September next, and within the time specified for that purpose in the contracts. The failure of the stone quarries, and the advanced price of provisions and labor since the work was taken, have caused the contractors to labor under discouraging circumstances, and subjected them to severe losses, but they have persevered with praiseworthy exertions until their engagements are nearly completed.

On the Wabash & Erie Canal, from Fort Wayne to the mouth of Tippecanoe river, a distance of 98 miles, there is now completed at least 85 miles of canal, and if hereafter there should be no difficulty in getting labor, this original work will soon be finished, and the new works at the same time vigorously forwarded. In relation to the labor necessarily wanted, the Board are constrained to say, that they fear much embarrassment, for although contractors may be found very willing to engage in the public work, it is very evident that unless the labor of the country can be increased considerably above the present supply, entering into future contracts, to some extent, will turn out an idle formality.

In obedience to the law on that subject, the Board have made exertions to procure by purchase the necessary ground at the several locks and dams for the use of the water power; but they have to state, that, excepting in a few instances, their efforts have proved unavailing. The owners of the ground in most cases, either refuse to sell upon any terms, or demand a price so exorbitant as to forbid the expectation of an arrangement under existing laws. The Board are satisfied from past experience, that without some modification of the law, the water power created by our canals at the public expense, must remain to a great extent unemployed, by which the state will be deprived of one source of revenue, and the country of the benefits which the use of this power would confer. In the commencement of an enterprise of such magnitude, as that in which the state has embarked, the necessity of husbanding all her resources, and availing herself of every source of income must be evident. The Board would therefore respectfully



suggest the propriety of extending the provisions of the law on that subject, so that in cases where the ground required for the use of the water power on the canals, and for the necessary depots and workshops on the rail-roads, cannot be purchased at a reasonable price, the agents of the state may have authority to appropriate such ground to public use, leaving the value thereof to be determined by a board of appraisers, upon just and equitable principles.

Another subject connected in its effects with their public duties, the Board beg leave to suggest. They have reason to fear, that as soon as our public works are under successful progress, numerous establishments will be opened for the sale of ardent spirits in their vicinity, where they are most to be dreaded, and that will be where the greatest number of laborers are employed. To say nothing of the demoralizing tendency of such establishments under ordinary circumstances, they become particularly obnoxious in the immediate vicinity of any great public works. It has been found by experience, that the present checks which the law imposes, are inadequate to arrest their progress, and if permitted along our public works, it is believed they will be a source of endless quarrels and riots, and attended in some instances with the risk of life to citizens, as well as be the means of weakening the physical force of the laborers employed. The Board, therefore, respectfully suggest the propriety of the passage of a law upon the subject of retailing spiritous or other intoxicating liquors, within three miles of any of our public works, imposing such restrictions as the wisdom of the legislature may prescribe.

The \$50,000 appropriation for the improvement of the navigation of the Wabash river from Vincennes to its mouth, remains untouched, the Board deeming it advisable, during the past season, to wait for the results of pending experiments between the same points, previously authorized by this state and Illinois, and whether the same proved successful or not, in either event to benefit by them. They felt an unwillingness to molest, in any way, the public agents already engaged in that important duty, and a desire to avail themselves of every means of information, so that when a plan of operations was finally adopted, their fellow-citizens might be assured that their long deferred hope upon this subject should at length be realized, after it was supposed the work for the season had terminated in that quarter. Messrs. Johnson and Blake, accompanied by the principal Engineer on canals, were directed to proceed to the place and make a full personal examination. Accordingly these gentlemen repaired to the Grand Rapids, accompanied by Mr. Gardner, the agent of the State, who very cheerfully tendered his assistance, and would have extended their visit still further down the river, but unfortunately the water was too high to enable them to inspect either the obstructions or the works to advantage.

The Board have the satisfaction to state, however, that Edward Smith, Esq., of Mt. Carmel, and at present a member of the legislature of Illinois, had previously made a very minute survey of all the obstructions between the Little Rock Rapids and the mouth of the Wabash, that he very obligingly furnished all the information in his pow-

er, rode with the Commissioners and principal Engineer while making a personal examination, as far as practicable, and submitted his maps, which have been carefully copied and are now on file in this office. Information enough has been collected to satisfy the Board, that the most serious obstruction to the navigation of the river, is at the Grand Rapids, and hence that the improvements should *begin at that point*—that the fall at that point, and at the adjoining rapids, is so great as to forbid the idea of removing the difficulty by excavating a channel through the rock, or by wing dams and sluices as has been proposed, and that no valuable improvement can be effected without the introduction of locks, but whether the improvement shall be by dams and locks creating slack water, or by an independent canal with locks, is a question which cannot be determined without further examinations and having entire estimates prepared. The Board beg leave further to observe upon this subject, that they have learned from the most indubitable sources, that Illinois is as anxious as Indiana to have these obstructions to navigation removed or effectually overcome, and that she will cheerfully consent to enter upon a mutual guardianship over this important interest, investing alike in the necessary expenditure, and sharing alike in the profits which must finally accrue from the works. In some instances it may be found expedient to establish locks on the Illinois side, and in others on the Indiana side of the river, and as neither can give to the other jurisdiction over the soil, the terms of joint contract, investment, and benefit cannot be well settled and secured, without a compact formally entered into between the two states; and, therefore, as the legislature of Illinois is now in session, the passage of a law appointing an agent to whom this trust shall be confided is most respectfully suggested. In relation to the Wabash a peculiar solicitude is felt by all the members of this Board—it seems as if this river was intended by nature, in a great degree, to subserve the general wants of the state, running as it does, diagonally through it from the north-east to the south-west. For twenty years past the improvement of its navigation has been ringing in the ears of the people, and the expectants of popular favor have never failed to be most fruitful in their promises, and now, as the last hope, it is expected that the representatives of the people and the humble agents of those representatives, the members of this Board will dispel the mist which has been hanging over this important interest, by realizing to them some of those substantial benefits which have been so long promised.

A precise statement of the accounts of the Board cannot now be presented. They embrace so many items covered by triplicate vouchers, all of which have to undergo a minute examination, that the Board have found it impracticable to have a full statement made out in time to accompany this report. In a few days this statement will be laid before the legislature, showing the receipts and disbursements on account of all and each of the public works, including the sales of the canal lands.

The loans contracted by the Fund Commissioners will probably be sufficient for the next year's operations, and in regard to the future,

the Board will trespass upon the liberal feelings of the legislature by intruding a few remarks. The unexampled prosperity of the world, for a long period of peace in Europe and America, has increased, in a great degree, the amount of all business operations, and the price of every article which is bought and sold. This great extension of business in manufactures and commercial operations, and in the construction of rail-roads and canals, is not confined to any state of the Union, nor any one country in Europe, but it is general; and it has multiplied to such a degree, that the currency of the world has not kept pace with its demand, and the rate of interest has accordingly increased with it. There is therefore so great a demand at present for money for ordinary business transactions, both in Europe and the United States, that it is hardly probable the times for effecting loans will become more auspicious, unless this state of general prosperity from some unexpected contingency should receive a severe check; as then, under such a state of circumstances, it is probable that the rates of interest will have to be increased to enable us to obtain more loans, should the same be negotiated as heretofore from year to year, would it not be good policy to authorize the Commissioners to negotiate at once for a considerable portion of the loan now authorized by law in addition to present engagements.

The interest now paid on permanent deposit is 5 per cent., and this rate is more likely to be increased than diminished, and if the amount borrowed, or a portion of it be deposited on interest in our banks, at the same time giving them authority to discount upon it when deposited for a year, for the accommodation of our own citizens, such measures might, in the end, have the effect of obtaining funds at less interest than to borrow from year to year, render more economical the cost of the public works, and place them in a situation not to be interrupted by any derangement of business, funds, or currency in the commercial world. It would moreover supply a sound currency to the increased demands of the people of the state for business purposes, prevent fluctuations in the price of property, and by the wealth it would induce, place our banks and people in a condition by the time other loans should be needed to supply to a great extent the amount desired.

If, in addition to this, it should be the pleasure of the legislature to invest the surplus revenue apportioned to this state by law of Congress, and apply the proceeds in payment of the interest on the internal improvement loans, and the policy of the General Government in this particular should be continued, it is believed that the means derived from these sources might be sufficient to pay the interest on all the loans which our public works will require, until the works themselves become profitable, and supercede the necessity with a view of sustaining them, of imposing any heavy additional tax upon the people. In making these latter remarks, the Board feel as if they were treading on ground which might not be considered as properly their own, but animated by a desire to see the present prominent policy of the state triumphantly sustained, they could not forbear submitting to

the legislature a few suggestions touching it, which might give rise in their minds to full and better views.

DAVID H. MAXWELL,  
D. BURR,  
SAM'L LEWIS,  
J. B. JOHNSON,  
JOHN WOODBURN,  
ELISHA LONG,  
THOS. H. BLAKE,  
AMOS CLARK,  
JOHN G. CLENDENIN.

Tabular Statement of Works put under contract by the State Board of Internal Improvement, in 1836.

Works under Contract.	Length of line located.		Length of line put under contract.		Cost of locating, surveying, & supplying to Dec 1, 1836.		Cost per m. of line under contract.		Total amt of line under contract at current prices, adding pr. ct. for sup.		Total amt paid for constructing.	
	Ms.	Chs.	Miles.	Ch	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.	Dolls.	Cts.
Southern division of Central Canal	32		20		2,858	39	11,274	15	225,483			
Wabash & Erie C'l bet. Georgetown and Lafayette	35				3,509				402,162		10,018	00
New Albany & Vincennes M'Adamized Road	41	40	41	40	4,262	34½	5,010	15	207,921	29		
White Water Canal	50		30	64	4,645	97	15,425		474,361			
Madison & Lafayette Rail Road	44		22		5,654	08			609,633	78	7,785	00
Indianapolis division of Central Canal	23	20	21	64	3,808	40	14,259	20	309,208		1,171	00
Cross-Cut Canal	20	64	14	20	3,146	16			246,755			
							Total		\$2,475,524 05			

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**Report of the Engineer on Canals.**

*To the Hon. the Board of Internal Improvement:*

GENTLEMEN—

The undersigned, in submitting a report of the operations of the Engineer Department for the past year on the canals of this State over which he was required to "bestow a general superintendence," proposes to confine himself to a mere outline of these operations, under the belief that the resident Engineers who have been in immediate charge on the several lines, have already reported the necessary detail.

The general superintendence of so many lines of improvement, situated so remotely from each other, and presenting, as these do, a variety of important and difficult questions, imposes a responsibility and an amount of labor, greater perhaps than is usually placed upon one person, and which might have deterred me from accepting the station had it not been for the belief that, if unable to accomplish every duty so promptly as desired, I might in view of these difficulties, safely rely upon the indulgence of the Board.

The Board having determined the extent and the particular portions of the several canal lines to be put under contract, as well as the time of letting, my first duty appeared to be to aid the acting commissioners in organizing the requisite locating parties, and to direct such preliminary examinations in each case as might be necessary to secure the best possible location of the lines, previous to the time fixed for the lettings.

At the opening of the spring it was only practicable, with the number of engineers then in the service of the State, to organize two locating parties, after assigning the necessary force to the superintence of the work already under contract on the Wabash and Erie canal, and as the Board in arranging the order of the several lettings had given precedence in point of time to those on the Wabash and Erie canal, and on the White Water canal, it became necessary in order to carry out the views of the Board, and have the lines in readiness, that the two parties should be detailed to these lines.

After putting in motion all the force at our command, measures were taken in pursuance of an order of the Board to increase the Engineer corps to the extent required by the enlarged field of operation. At the suggestion of the Board, and acting in their behalf, the undersigned in the months of April and May, visited the states of Ohio, Pennsylvania and New York, in company with a member of the Board, for the purpose of engaging the services of some additional Engineers of experience and standing in their profession, to act as resident Engineers on the several lines, but owing to the great extent of public works in pro-

gress and in contemplation in these states, and the consequent demand for professional services of this kind, the object of the journey could not be accomplished to the full extent. I succeeded however, in obtaining the services of Simpson Torbert, Esq., of Pennsylvania, who had been for several years engaged on the public works of that state, and whose services here, we have reason to believe, will be highly valuable to the state.

Under these circumstances, it appeared evident that the state, in the superintendence of her various lines must, under the Board and the Principal Engineers, depend mainly upon young men of her own training; and it is fortunate for the state that the construction of the Wabash and Erie canal which has been in progress for four years, together with the extended exploring and locating service, have furnished a practical school, in which a number of young gentlemen have acquired the requisite experience to qualify them for more responsible stations on the new lines, which removes in a great measure, the necessity of seeking these officers in other states.

The extensive operations of the past year, have necessarily placed great labor upon the several resident Engineers, and the zeal and ability manifested by these gentlemen in the discharge of their duties, merit the confidence of the Board, and promise much future usefulness to the state.

### WABASH AND ERIE CANAL.

That portion of the Wabash and Erie canal which had been finished previous to last year's report, has sustained no injury worth mentioning, by the floods of the season. The navigation has been extended across the St. Mary's river to Fort Wayne, and boats have made regular trips during the season, from that place to Huntington.

It was expected that the Board would have had the satisfaction in their report of this year's operations, of announcing the extension of navigation westwardly to Lafontain's creek, a distance from Huntington of thirty-five miles; but this has been prevented solely by extraordinary difficulties in procuring stone suitable for the locks. It is greatly to be regretted that the Wabash valley, abounding as it does with cliffs and quarries of lime stone, should afford so little that will answer for the important mechanical structures appertaining to the canal. This peculiarity in the stone formation of that region, has been the source of much disappointment and delay in the prosecution of the work. Many quarries which appeared favorable on the face, have terminated after being opened, in an ill-shapen mass which could not be quarried, while others which furnished stone of suitable size and shape, were of necessity condemned for the want of sufficient hardness and durability to withstand the operations of the frost. In consequence of this uncertainty in the character of the materials, changes of plan have frequently become necessary after the locks have been placed under contract.

The embankment at the St. Joseph's Bluff, owing to the scarcity of stone, was protected from the abrasion of the stream with brush in the

construction of the work, but with the view of substituting stone after the completion of the canal, as will be seen by reference to former reports. It is proper here to remark in reference to this, that the time has now arrived when it becomes necessary to renew the protection with stone, as the brush is so far decayed that it will not much longer afford the required protection. As the canal is now navigable to the stone region, that material can be procured without great cost.

In my last report to the Board of Canal Commissioners, three important dams were reported as completed; one across the St. Josephs and two across the Wabash, and I have now the satisfaction to state that these structures continue in a safe condition, and answer fully the purposes for which they were built. It is to be regretted that the successive floods which have recently occurred in the Wabash river, at the season of the year when we were accustomed to expect the lowest water have prevented the completion of dam No. 3, near the mouth of the Mississinewa. The cribs which form the body of the dam had been completed, and a portion of them filled and covered when the last rise in the river put a stop to further operations. The resident Engineer has been advised to have the cribs entirely filled with stone, so soon as the flood subsides, and in this condition it is hoped the structure may stand without any considerable injury, until low water of next season, when it can be finished according to the original plan.

As the Board had directed the line between Georgetown and Lafayette to be put under contract in the early part of the season, it became the duty of the Engineers to commence the final location as early as other engagements would permit. This location and the preliminary surveys and comparative estimates necessary thereto were commenced by a corps of Engineers under the control of the acting Commissioner.

The great expense of constructing a canal along the Falling Spring Bluff, suggested the plan of passing this obstruction by means of slack water formed by a dam across the Wabash, at the lower end, and a towing path along the bluff. But after a full examination of the question, this plan was abandoned principally on account of the unfavorable situation for building a dam, and the more expensive but safer mode of constructing a perfect canal was recommended. The base of the hill at this point for the height of about 40 feet, is composed of slate rock which is overlaid with earth. In the location of the canal it is proposed to place the centre line so as to require the excavation of a portion of the slate sufficient in quantity to form one-fourth or one third of the embankment, which by being placed wholly on the outer part of the bank, will, it is supposed, protect it from the current. The centre and inner portion of the bank will be formed of the earth which is found on the top of the slate, by which a water-tight bank will be secured.

Agreeably to the decision of the Board on that question, the canal has been located so as to cross the Wabash in the pool of a dam.

There are some circumstances connected with the crossing of the river that may be considered peculiar to this location, which certainly



remove in some degree the objections usually urged against this mode of crossing streams. The dam, which will be 590 feet long and 12 feet high, from low water, and will raise the water 8 feet at the point of crossing, will be built on an excellent rock foundation at Rock Ripple, four and a half miles below the crossing, and the pool formed by this dam will be occupied as the canal, with a towing path on the bank for about three miles. From the point where the canal leaves the river, which is about one and a half miles above the dam, it will follow for some distance a bayou, which, in most places, is already deep enough for the canal, and varies in width from 50 to 90 feet. At the head of this bayou a guard-lock will be built, from which guard-banks will be extended on each side to the high ground, for the purpose of controlling the river floods. But to avoid the necessity of closing the guard-lock so frequently, which would cause some delay in navigation, it is proposed to raise the first lift-lock, situated two miles below, to an extra height, so that it will answer also as a guard-lock in ordinary floods. Upon the plan which has been adopted, the floods, during all moderate rises will flow into the canal and rest against the lift-lock, and the gates of the guard-lock need not be closed until the river rises to the height of four feet on the weir of the dam. Floods of greater rise than this must be kept out of the canal by closing the gates of the guard-lock, which will then be passed by boats as a common lift-lock.

The method to be adopted for passing the boat and horses across the pool presents a question of some importance. This might be accomplished in this case by a rope ferry, the horse being placed in a common ferry flat, and both the flat and canal boat propelled across the river by being attached to an endless rope, working round a drum or cylinder on each bank, which could be kept in motion by means of the water power derived from the lock on the north bank of the river. Or, a towing-path bridge may be built, on which the horse may cross without being detached from the boat—the boat to be secured from floating down stream, when the current is so strong as to require this precaution, by being attached to a roller car, so constructed that it will be secured firmly to the bridge at the same time that it may be drawn by the horse from one end to the other, as the boat passes across. The rope ferry, as above described, is now in use at the lower crossing of the Juniata, on the Pennsylvania canal while the Susquehanna and numerous other streams are crossed by a towing-path bridge.

The towing-path bridge, besides allowing of greater despatch as well as safety in crossing, has another advantage from the fact that, without great additional cost, it could be made wide enough to answer also for the road travelling of the country, and if the state should see proper to collect tolls, might in time yield a revenue from this source equal to the interest on its cost.

The Board, in determining the plan of crossing the Wabash river, virtually settled the mode of crossing Deer creek also, inasmuch as the level of the Wabash Dam is too low to admit of any other structure for crossing Deer creek than a dam with a towing-path bridge.

That stream is therefore crossed in the pool of a dam to be located immediately at the mouth of the creek, and to be built about ten feet high, and 170 feet long. The great length of the dam being about twice the ordinary width of the channel, will prevent, in some degree, the fluctuations of the stream, and remove any serious difficulty in crossing during high water. The situation is very unfavorable for building a dam, and great care will be required in its construction.

Wild Cat creek is also crossed by means of a dam and towing-path bridge. The great extent of low ground on the east side of the creek, which, for an aqueduct level, would have required a high embankment, together with the fact that no stone could be obtained for the abutments and piers, seemed to preclude the idea of an aqueduct crossing. The dam will be 13 feet high from low water, and 170 feet long.

By the final location of this portion of the line, it will be perceived that ample feeders are received into the canal from the crossing of the Wabash, Deer creek, and Wild Cat, which together with the surplus at the dams, will add greatly to the water power in that section of the state.

In discharge of that part of his duty which required him to act in conjunction with the proper officers of Ohio, should such joint action become necessary in adjusting the location of the canal at and near the state boundary, the undersigned, in April last had an interview at Columbus, Ohio, with the acting Commissioner and Engineer, in which they were apprised of the views and wishes of the Board, so far as understood, and of their readiness to share in the expense of any surveys which might be deemed necessary to establish the plan of the canal and the mode of supplying it with water. From the letter of Mr. Forrer, the principal Engineer, which is hereto appended and marked No. 1, it will be seen that the Board of Public Works of Ohio have determined to adopt what is termed the *high level*, at the state line, relying chiefly on reservoirs for the supply of the canal from thence to Defiance. It is to be presumed that such an arrangement will be made as will secure to this portion of the canal a sufficient and certain supply of water, though we have not yet been informed of the details of the plan, nor of the particular sites selected for reservoirs.

## WHITE-WATER CANAL.

Having understood it to be the wish of the Acting Commissioner on this line, that a survey and estimate should be made on the east side of the White-water, from Brookville to a point near Harrison, with a view to a comparison with the west side which had been followed by the former survey, measures were taken immediately after the adjournment of the Board, in March last, to accomplish this object.

The charge of this survey, under the direction of the acting commissioner, was confided to Mr. William J. Ball, with such general instructions as a previous knowledge of the line enabled me to furnish. From the reports and estimates of Mr. Ball, it appeared that there would be a difference in cost of about the sum of \$25,000 in favor of

the east side, which difference, by subsequent improvements in the line has been increased to \$40,000. The east side was also supposed to present the safer route for a canal, inasmuch as the bank will be less frequently exposed to the current of the stream. No hesitation was felt therefore, in the recommending the adoption of the east side.

The surveys and examinations necessary to a proper final location of this line, and its preparation for contract were continued under the immediate direction of Mr. Torbert, resident Engineer.

An important question was presented at the commencement, as to the manner of crossing the East Fork, and of passing the town of Brookville, so as to afford to that place the proper facilities for business, without detriment to the public interest. Several plans of location were proposed at this point, and surveys and comparative estimates were made. The plan of crossing the East Fork in the pool of a dam, with the towing path bridge, was finally recommended as combining the most advantages. By this arrangement the high and hazardous embankment necessary to an aqueduct crossing is avoided, and the pool formed by the dam in the channel of the stream enables canal boats to approach the eastern side of the town, while the main line passing along the valley of the West Fork, will extend the advantages of the canal also to the west side. This plan will cost less than that of an aqueduct by about the sum of \$10,000. The dam across the East Fork will be 11 feet high from low water, and 230 feet long. The great length of the dam being twice the width of the channel will tend to prevent a very great rise, or a strong current in the stream during freshets.

In the first survey, the line was crossed from the east to the west side on an aqueduct at Mrs. Carr's, four miles below Harrison. In the subsequent survey made by Mr. Torbert, a line was run upon the plan of crossing by means of a dam and towing path bridge, near Harrison. By instituting a comparison between these lines, it was found that the latter plan would be the cheaper one by the sum of \$28,400, and would reduce the length of the line one mile. These advantages were deemed sufficient to give the preference to the upper crossing, notwithstanding the objections which might be urged to the plan of crossing by a dam, and its adoption was therefore recommended. The dam is located about half a mile below Harrison, at the place where the state line crosses the White-water, and will be built 11 feet high from low water, and 375 feet long. The pool of the dam will be occupied as the canal, with a towing path on the west bank for the distance of 20 chains.

The conditions annexed to the assent of Ohio to the construction of this canal through her territory, required such a location in the vicinity of the state line as would furnish a supply of water for a branch canal to the city of Cincinnati, and afford reasonable facilities for its construction. This requirement has been regarded in the location. The dam by which the canal crosses the White-water is so situated that it will furnish an abundant supply of water for both canals. The proposed arrangement will not diminish the amount of water power at Lawrence-

burgh, inasmuch as the stream is supposed to afford more water than can be passed through the canal after supplying the Cincinnati branch.

By the letter of Mr. Forrer before referred to, it will be seen that the assent to this location was given with the understanding that the right should be secured to Ohio, of locating and constructing the proposed branch for a short distance through our territory, if necessary to a proper junction of the two canals; and it will therefore be perceived that the obligation rests upon Indiana, of securing to Ohio this privilege. A proper intersection of the two canals will require the Cincinnati branch to be located through the territory of this State for the distance of 20 or 30 chains.

The greatest obstructions presented to the construction of a canal along the White-water valley are the bluffs or washed banks formed by the contact of the river with the hills which skirt its valley. The most difficult of these is McCarty's Bluff, about 3 miles below Brookville, where the river washes the base of the high land for nearly the distance of a mile, leaving no other mode of constructing a canal than by forming an embankment in the river and protecting it with stone from the abrasion of a rapid current. The great expense of constructing an independent canal through this narrow pass, induced me to recommend the adoption of slack water, which will be formed by building a dam at the lower end of the bluff and cutting a towing path on the face of the hill. The pool formed by this dam will be occupied as the canal for a distance of one mile and ten chains and will vary in its depth from 12 to 16 feet. The great depth of the pool will tend to remove the difficulty arising from a deposit of sand which under different circumstances might be apprehended, while the greatly enlarged cross section of the stream will diminish the rapidity of the current in time of freshets. To guard against the difficulties which might arise from too near an approach to the dam, the canal has been so located that boats will pass from the pool into the guard lock about ten chains above the dam. From these favorable circumstances it is believed that the evils some times attendant upon this species of navigation, will be greatly mitigated in respect to this. The slack-water is estimated to cost \$16,500 less than the separate canal. The dam will be 285 feet long and 14 feet high from low water.

It will be perceived that the location and plans of this canal are such as to secure to it an ample supply of water, not only for navigation but also for hydraulic purposes to any extent that the country may require.

From the basin in the East Fort at Brookville to the basin at Lawrenceburgh, there is a descent of 144 feet, which in the final location is overcome by 17 locks, distributed to suit the inclination of the valley.

Before determining the plan of these locks, further examinations were made in the adjoining country, with the hope of finding stone suitable for building cut stone locks, but without success. The composite or combined lock was therefore recommended for this line as being the best substitute for a perfect cut stone lock. The culverts,

aqueducts, and dam abutments on this line, may be built of hammer-dressed masonry of a durable character.

In extending the examinations above Brookville, preparatory to future lettings, various plans have been examined and compared by the resident Engineer, and questions of importance have arisen as to the proper location, some of which have been submitted to me. The first of these is at the Franklin Factory ridge, two miles above Brookville.

This ridge is a part of the high land jutting in from the east side and extending nearly across the valley, diminishing both in width and altitude as it approaches the river. In any location which can be adopted at this point the canal must be thrown considerably out of its proper direction. In the survey of 1834, the level was depressed just above the ridge for the purpose of receiving a feeder; which made it necessary to pass entirely around this obstruction; but in the survey of the past season it was found that by dispensing with the feeder at this point and approaching it with a high level the ridge might be crossed further from the river, and a material saving effected both in distance and cost. Two routes have been surveyed and estimated by the resident Engineer, one crossing the ridge by an open cut at a point where it is 40 feet above the bottom of canal and three and a half chains wide; and the other passing through it at a point still farther from the river, by a tunnel three hundred and thirty feet in length. The latter plan is thirty chains shorter, and is estimated to cost \$6,500 more than the other. The ridge where the tunnel would be formed is composed of clay and loose stone, and is 80 feet above bottom of canal.

From the facts here presented, I should recommend the open cut, notwithstanding its greater length. The formation of tunnels, unless the material be solid rock, is an operation liable to many contingencies, which cannot be fully estimated at the commencement, and I am of opinion, that they should not be adopted, except in cases of strong necessity.

By adopting the open cut, a saving will have been effected over the former survey of 35 chains in distance, and about \$8,000 in cost.

At the village of Milton, two lines have been examined, one upon the plan of passing the bluff at that point by means of slack water in the channel of the river for the distance of 32 chains, formed by a dam at the lower end of the bluffs 8½ feet high; and the other upon the plan of sustaining the level and passing through the eastern edge of the town, near the bank of the stream, cutting about 8 feet for the distance of 40 chains through the plain on which the town stands. By the plan first described, a feeder would be received into the canal without any extra cost, while upon the other plan the feeder, if one be required, at this point would be thirty-five chains long and would require a dam perhaps 2 feet in height. The upper or village route is three chains shorter, and including the expense of a feeder is estimated to cost \$4,500 more than the slack-water plan. Should a feeder at this point be dispensed with, which is highly probable, the cost of the two routes would be about equal. In this case, as here presented, I should recommend the adoption of the upper or village route, as the advanta-

ges of the slack water do not appear sufficient to justify us in exposing the canal to the hazards of a dam and to the current of a stream. Although slack water may frequently be resorted to with advantage as a means of passing difficult points, yet it should not generally be preferred to an independent canal when these difficulties do not occur.

## CENTRAL CANAL;

### *Indianapolis Division.*

In the final location of this line from the Broad Ripple to the Port Royal bluffs no material alteration from the original survey has been made. It was thought by some that the westerly bend in White river above the mouth of Fall creek, could be cut off and a more direct line obtained from Broad Ripple to Indianapolis by running across to Fall creek, and down that valley to the latter point, but upon examination with the level, the country between the two streams was found to be too high. The proposed deviation would have increased the cost at least \$50,000.

In pursuing the White river valley, two expensive washed banks are encountered; one just above and the other below the Michigan Road, the combined length of which requiring protection, is 64 chains. As stone in sufficient quantities cannot be procured, the greater portion of this embankment must be protected with brush which will secure the bank from injury, until stone can be obtained by the canal. After passing these difficulties a favorable and cheap location has been made through the alluvial bottom of White river, to the Bluffs.

From the Broad Ripple to the Bluffs, a distance of 24 miles, there is a descent in the canal of 70 feet, which is overcome by nine locks. As stone of an unquestionable quality could not be found within reasonable distance of this line, timber was recommended as the material for building them.

The principal stream crossed on this division is Fall creek, which will require an aqueduct with three spans of 32 feet each, the abutments and piers of which as well as the trunk will, of necessity, be built of timber. All streams of less magnitude are crossed by timber culverts. Whenever practicable, it is proposed to construct these smaller culverts in such manner that they will at all times be covered with water and thereby rendered durable.

At Port Royal bluffs the line has not yet been finally located. To avoid the expense of constructing a canal along the bluff it has been proposed to pass it by means of slack water formed in the river by a dam at the lower end of the bluff. As there was not sufficient time, previous to the date of the letting, to make the examinations necessary to settle this question, the acting commissioner suspended the letting of this bluff until the subject could be fully examined, which will be done as soon as the weather will permit.

This division of the line will be supplied with water from White river, which will be introduced by a dam 8 feet high and 295 feet in

length, to be built at Broad Ripple eight and a half miles above the seat of government, which being sufficiently elevated to command the Indianapolis plain, will create a valuable water power at that point, besides furnishing the necessary supply for the canal.

In pursuance of instructions from the Acting Commissioner a survey of the Fall creek route from Andersontown to Indianapolis, has been made during the past season by Mr. Solomon Holman, whose report is herewith submitted and designated as No. 2.

## CENTRAL CANAL.

### *Southern Division.*

The duty of preparing other lines for contract, the letting of which had been advertised to take place previous to this, prevented me from visiting this line until the middle of July.

As the Board had directed a re-survey to be made from the Pigeon summit to the Ohio passing down the immediate valley of Pigeon creek, with a view to a comparison with the former line which followed Blue-grass creek, the first examinations were directed to this comparison. By a personal examination of the valley of Pigeon creek from the Ohio river to the sources of the stream, I was enabled to form some conclusions in relation to the general principles which should govern the proposed comparative survey, which were communicated to Mr. Voorhies, the resident Engineer.

The valley of Pigeon is decidedly favorable to the construction of a canal. The "flats" or low bottoms are from one to two miles in width, presenting a very uniform inclination towards the Ohio of about two feet per mile, and the stream in winding its way through this valley seldom approaches so near to the adjoining high land as to prevent a favorable and cheap location of the canal. Excepting six or eight chains at Ditney bluff, the canal bank will no where require protection against the current, for the distance of thirty miles.

A survey and estimate of the line down the valley of Pigeon, was made by the resident Engineer, and after instituting a comparison between this line, and the former survey, he has reported that by adopting the Pigeon line, there will be a saving in cost of \$284,892, and an increase of distance of about two miles. It is due to Mr. Cleveland, to say that this examination of a line down the valley of Pigeon was suggested by him in his report of the original survey.

The Acting Commissioner having decided upon the adoption of the Pigeon line, the final location preparatory to placing it under contract, was commenced near the head of that stream. The southern termination having been fixed by law on the east side of Pigeon creek, it was evidently proper to follow that side in the location in order to avoid the expense of crossing. A cursory examination was however made of the west side which produced a conviction that it was less favorable than the east side, independent of the expense of crossing the stream.

The principal streams which it becomes necessary to cross on this division are, Smith's fork and Big creek; the former of which will be passed by a stone arch of 22 feet chord, and the latter by a wooden aqueduct, supported by stone abutments; the level being too low to admit of an arch. There are other streams of minor importance, most of which are crossed by stone arches. Timber culverts have in no case been estimated on this line except in situations where they will be submerged and thereby preserved from decay.

From the summit level to the Evansville plain there is a descent of 51 feet, which is to be overcome by seven locks, all of which are located near the upper end of the line. At the distance of about 19 miles from the Ohio, the line is dropped to the Evansville level, and there is of course no lock within that distance of the termination.

The supply of water for this division of the canal in dry seasons, must be brought chiefly from the West fork of White river, agreeably to the original plan. Pigeon creek, though not a sufficient feeder in dry seasons, will furnish a supply during seven or eight months in the year, and by availing ourselves of this source, the demand upon White river, and consequently the current of the canal will be diminished during this period. A feeder from Pigeon may also be of service in filling the canal, with less delay after the occurrence of a breach, and as such casualties most frequently occur in the spring of the year, when the stream affords an abundance of water, the importance of this feeder must be apparent. In the location which has been adopted, two feeders are proposed, the first at Shannon's mill near the source of the stream, and the other at the head of the Evansville level, 19 miles from the Ohio. By the last mentioned feeder the surplus water of Pigeon may be introduced and conducted through the canal to its termination on the bank of the Ohio river, where it can be applied to machinery over a fall to low water of 56 feet, giving a water power, which will be of some profit to the state, as well as benefit to the country. It will be practicable, should the Board direct it, to provide a sufficient supply of water for the Pigeon line, during the whole year, independent of White river, by giving an additional height to the lower dam, so as to retain in a reservoir the surplus water of the spring season to be drawn out when needed.

At the time of placing this line under contract, so little could be ascertained in relation to the quality of the stone, or the extent of the quarries, that it was difficult as well for the engineer to determine the proper plan of building the locks, as for the bidders to form correct estimates of their cost. The acting commissioner therefore very properly determined on letting but two of the locks, and these situated some distance from each other. The operations of the contractors in procuring materials for these, will disclose the true character of the stone, and fully develop the resources of the country in building materials, and the remainder of the locks may be put under contract in the course of the next year, if desired, without the same liability of having to make changes in the contracts.



The sand-stone formation of the southwestern and western region of this state, seems generally to be imperfect in its character, liable to disintegrate by exposure to the weather, and though there may be some quarries suitable for building locks, yet I should advise that great caution be exercised in allowing it to be used. The limestone formation appears to be very durable, and wherever found in suitable strata, will make permanent locks, though the cost of dressing will be great. The locks which have been let on this line are to be built of cut stone masonry, faced with lime stone.

The location which has been made in the valley of Pigeon, will cut through a bed of coal, which may prove sufficiently extensive to be of value to the country.

It will be perceived that the examinations which have been made during the past season, were confined wholly to that portion of the line lying south of the Pigeon summit, leaving the particular level of this summit, as well as the many other important questions which may arise in the location of the line north of that point, open for future investigation.

The Board is aware that in the proper junction of the Cross-cut and Central canals, and the location of the line thence to the south end of the Pigeon summit level, many questions of uncommon importance will be presented. The crossing of both forks of White river, as well as the Patoka, and the proper adjustment of the long level from the White river feeder to the Patoka valley, so as to equalize the deep cutting and the embankment, will present questions which will require much investigation, and it may not be improper to suggest the propriety of organizing an exploring and locating party for the purpose of making these examinations, to commence operations on this portion of the line at least twelve months previous to the time which may be fixed for placing any portion of it under contract.

It may be remarked in regard to all our lines of improvement, that true economy requires very extensive and critical surveys to be made before the plans and locations are established. An expenditure of one or two thousand dollars in preliminary examination, frequently saves ten times that amount in the construction of the work.

### CROSS CUT CANAL.

Owing to pressing engagements and duties in other parts of the state, which could not be postponed, the examinations of this line were not commenced until the 10th of July. About that period the preliminary examinations and surveys, necessary to a final location, were commenced by Mr. Wm. J. Ball, the resident engineer, acting under the direction of the acting commissioner.

In commencing these surveys, it was thought proper in the first place to examine with great care, the summit ridge dividing the waters of Eel river from those of the Wabash in order to ascertain certainly whether a depression could not be found lower than the one through which the former line was run. A level was carried along the

summit of the ridge, for several miles both north and south from the line, but without finding any point so low as that followed by the former survey.

Having thus determined the route of the canal at the summit an important question was presented in reference to the precise level upon which the canal should be constructed through the summit ridge. In ordinary cases it is desirable to avoid deep cuttings on account of the cost both of construction and repairs, yet in this case the object to be gained by depressing the level, was deemed sufficient to justify a cut of considerable magnitude. Not only is the length, and consequently the cost of the feeders diminished, but by every foot which the summit level is depressed, two feet of lockage is saved. Critical comparative estimates were made upon several different levels embracing both the feeder and main line, by which it was ascertained that the most economical arrangement would be that which would require 18 feet cutting at the highest point. This depth however continues but for a short distance and is reduced by a gradual descent to 6 feet in the distance of 80 chains at the east end, and in the distance of 40 chains at the west end. Through a portion of the summit cut, embracing about 60 chains of the deepest part, soft sandstone rock in thin strata is found at a level varying from 1 to 6 feet above bottom of canal. This rock it is supposed will not be difficult to excavate, and when it is recollected that the liability to slides, common to deep cutting, will be measurable removed thereby, its occurrence is not much to be regretted.

In extending the location eastward from the deep cut, the summit level is maintained to a point about one mile west of Eel river for the purpose of receiving a feeder from that stream. In progressing westward the level terminates immediately after passing the deep cut, making the whole length of the summit level, 7 miles, 40 chains.

From the summit westwardly the line passes down a branch of Honey creek to the main valley of that stream, and thence along this valley towards Terre Haute. The total lockage from the summit to the proposed basin at Terre Haute is 61 feet, which is overcome by seven locks distributed to suit the inclination of the country. Both Main Honey creek and Little Honey creek are to be crossed on this part of the line, the former by an arch of 26 feet chord, and the latter of 15 feet chord, to be built of stone. Lost creek will probably require two arches of 16 feet chord.

Several sites were examined for the proposed feeder dam, amongst which that at Hoffman's was thought to combine the greatest advantages, and was therefore selected. The feeder to conduct the waters of Eel river from this dam will be 5 miles and 44 chains in length. The heavy embankment in and near the valley of Birch creek, which is crossed by the feeder will be the principal item of expense.

The dam will be raised to the height of 154 feet above low water and will be 180 feet in length. No rock has been discovered in the bed of the river. A firm foundation can however be formed of brush and tim

ber, which will be submerged and therefore rendered durable by a second dam, which will hereafter be built at Rawley's mill, 6 miles below, for the supply of the lower levels of the canal. By direction of the acting commissioner an important change has been made in the location at and near Terre Haute, by passing on the east side of the town and connecting with the Wabash and Erie canal as surveyed by Dr. Whippo near Fort Harrison, thereby avoiding the high embankment along the margin of the Wabash river, which would be much exposed to injury from the floods.

The supply of water, which is the most important question connected with this canal, remains to be considered. The total length of line which must draw its supply from the summit level, including both the feeder and the main line from the mouth of feeder to Fort Harrison, will be about 27 miles. Some small portions of this line will expend less than the ordinary allowance of water, while the greater part of it will require the usual quantity. The line at and near the deep cut follows for some distance the very lowest ground to be found in that vicinity—the country on both sides inclining toward the canal. Under these circumstances the water of the country must naturally tend towards the canal, and there can be but little loss of water, except by evaporation, which is believed to form a small part of the expenditure common to canals.

The calculation of demand and supply for this line may be stated as follows:

Three miles of line at and near the summit cut will require say 25 cubic feet per minute per mile, -	75 cubic feet.
Remaining 24 miles may require the usual allowance of 100 cubic feet per mile for leakage and evaporation, 2400	"
Lockage water for the passage of 50 boats per day, with locks of 6 feet lift, - - - - -	562 "
Allowance for leakage through dam, say, - - - - -	100 "
	<hr/>
	3,137 cubic feet.

To meet this demand we have no other resource than Eel river, which by careful measurement taken at different times during the past summer, was found to discharge as follows, viz:

August 2d, - - -	6,281 cubic feet per minute.
do 30th - - -	2,969 " "
September 3d - - -	2,639 " "
do 4th (swollen by rain)	10,000 " "

By reference to the date of these measurements it will be seen that they embrace the season of the greatest drought. They show a deficiency of 498 cubic feet per minute for a period of 8 or 10 days during the greatest depression of the stream. The stream on the 3d Sept. was supposed by those acquainted with it to be at its lowest stage, yet it is safer to conclude that the deficiency in seasons of great drought, will be continued for a greater number of days than is shewn by this statement.

Whatever deficiency there may be in the natural flow of the stream, can be readily and cheaply provided for by raising the feeder dam and the guard banks connected with it two or three feet above the surface of the water in the summit level, and by this means retaining a small portion of the surplus waters of the stream to be drawn out when its natural flow shall be found inadequate. The extent and sufficiency of our resources here may be seen by the following statement:

The dam will form a pool of about 12 miles in length, following the windings of the stream, which, allowing the channel to average 24 chains wide, will give an area in the bed of the stream alone, of	240 acres.
To which may be added the overflowed ground at the mouth of Turkey Run and other small streams and depressions, say	100 acres.

Total area of pool	340 acres.
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Which supposing the dam to be raised two feet, will give 29,620,800 cubic feet of available water, equal to a constant supply of 514 cubic feet per minute for 40 days. And when it is recollected that this quantity may be increased 50 per cent. if necessary, by raising the dam three feet, or one hundred per cent. by raising it four feet, the entire sufficiency of the supply of water must be apparent.

It is not proposed to give this additional height to the dam in its first erection, though it will be so constructed as to admit of it hereafter. The business of this canal for some time after its completion will not be so great as to require the whole amount of lockage water. It is possible too that the allowance for leakage and evaporation, is greater than will actually be expended, owing to the peculiar character of the line. Having ascertained the practicability of providing fully for any deficiency which may be found in the natural flow of the stream, there can be no risk in postponing the expenditure which this measure will require, until the necessity for it shall be indicated by actual experiment. The cost of giving two feet additional height to the dam, guard-lock, and guard-banks, is estimated at the sum of \$7,500.

The line as located along the valley of Honey creek passes through a coal formation of some extent, which will doubtless become an article for transportation on the canal.

It was the desire of the acting commissioner that the experimental surveys should have been extended along the west side of Eel river so as to connect with the Central Canal at several different points between the mouth of that stream and the mouth of Black creek, but this was found impracticable for want of time. This omission is however, of less consequence inasmuch as the final location, so far as it has been made, is common to all the routes which may be proposed for uniting with the Central Canal. Whatever point may be selected for the junction with the Central Canal, the location across the summit must be the same; and as Eel river is the only durable stream found between the Wabash and White river, the feeder from that stream is also necessary to any location which may be adopted.

## ERIE AND MICHIGAN CANAL.

At the commencement of this survey it was uncertain whether a canal or rail road should be adopted by the Board, and in procuring an Engineer to make the examination, I was therefore directed by the acting commissioner to employ some one who was practically acquainted with both modes of improvement. In the mean time Mr. Holman was directed, in pursuance of the views of the acting commissioner, to take such levels of the country between Fort Wayne and Lake Michigan as would be necessary to determine the practicability of a canal.

In the month of August, I was so fortunate as to obtain the services of William B. Mitchell, Esq., Civil Engineer, whose long experience on both canals and rail-roads in Pennsylvania, rendered his services peculiarly valuable on this line. The late period of his engagement prevented Mr. Mitchell from completing the survey, but he can accomplish this during the early part of next season, if it be the wish of the Board. The reports of the survey so far as it has progressed, are herewith submitted and marked No. 3 and 4.

The duty of preparing other lines for contract placed it out of my power to visit this route at any time during the past season. Any suggestions which I may make will therefore be founded upon the reports of those who conducted the surveys.

In considering the question of practicability, the investigation may be confined to the Elkhart summit. If a sufficient supply of water can be provided for this, no doubt can exist as to the practicability of the remaining portion of the route.

It will be seen by Mr. Mitchell's report, which is herewith submitted, that, owing to frequent rains, while engaged on this summit, he was unable to gauge the streams at their lowest stage, and that for this reason he does not speak with the strongest confidence of their minimum discharge. Under these circumstances it may not be improper to subject the question of supply to a test, founded on a calculation of the drainage which may be collected from the country lying contiguous to the summit level, and if by this mode of computation a sufficiency of water be likewise found, the greater confidence will be felt in the practicability of the work.

To supply the demand upon this summit, the only streams available, are the head branches of the Elkhart on the north, and of Cedar creek on the south side of the dividing ridge; the former of which, according to the report of Mr. Holman, hereto appended, drains an extent of country equal to 142 square miles, and the latter, an extent equal to 130 square miles, lying above and inclining towards the proposed summit level. Of these streams, the Elkhart is not only more durable, but can be introduced with less length of feeder. Cedar creek is therefore only mentioned as a contingent resort, to be used in case other sources of supply prove inadequate.

The country at and near the summit level, as will be seen by the map, abounds with small lakes and marshes, and is reported by the En-

gineer as affording many favorable sites for the formation of reservoirs. Under these circumstances, it is deemed practicable, without great cost, to save and retain in reservoirs the whole of the surplus water of the streams, whenever they pass more than is required to supply the canal for the time being. The total drainage of the country may therefore, be relied upon as available for the supply of the canal.

At this stage of the investigation it becomes important to ascertain the amount of drainage which may safely be calculated to flow off from a given area of country. The aggregate depth of rain falling annually upon the earth's surface has been frequently ascertained by accurate guages, but to determine the quantity of water flowing from a given area, after supplying the evaporation from the soil and vegetation, is a question of greater difficulty, and one which has heretofore proved embarrassing to Engineers in calculations of this sort. Fortunately, however, this uncertainty has been in a great degree removed by the valuable experiments made during the year 1835 on the Chenango canal, in the state of New York, (see New York canal documents.)

Mr. John B. Jervis the principal Engineer on this canal, after measuring the extent of country which drained into the Madison Brook reservoir, amounting to 6,000 acres, caused the water passing from the reservoir to be accurately guaged in a sluice constructed for the purpose, during every day in the year, (Sundays excepted.) The aggregate depth of rain which fell during the year 1835, was also ascertained, by reference to a rain guage, kept in the immediate vicinity. By a computation based upon these facts, Mr. Jervis found that the annual drainage amounted to about two-fifths of the aggregate fall of rain for the same period, equal to 14 inches in depth over the whole surface drained. And he expresses the belief that this experiment would not differ materially from the general average over a large district of country.

A similar experiment was made at the same time at the Eaton Brook reservoir, which showed a drainage somewhat greater, yet Mr. Jervis thinks the experiment at the point first named, from the character of the surface, most applicable to a large district of country.

Having ascertained the ratio of drainage to the fall of rain, it becomes necessary in the next place to determine the aggregate annual depth of falling water. Numerous measurements have been made in different parts of the country, and during different years, which give results varying from 30 to 44 inches. Observations were made at the academy in the village of Hamilton, New York, by means of a rain guage, for five successive years, ending with 1831, which gave an average annual fall during this period of 38.35 inches, the greatest depth being 43.44, and the least 33.26 inches. (See N. York canal documents.)

The experiments of Mr. Jervis in relation to the ratio of drainage, carry with them the evidence of great accuracy, and for all similar situations, in nearly the same latitude, may be received as conclusive. They are the more important to this investigation, from the fact that they were made in a latitude varying but one and a half degrees from that of the Elkhart summit. In calculations so important as this, which

do not admit of perfect accuracy, it is prudent, however, to keep within the result of the experiments, and I therefore assume the drainage in the case under consideration, at one-third the fall of rain. Taking the minimum depth of falling water, likewise (33.26 inches) for the purpose of greater safety, we shall have 11 inches as the depth of drainage.

The area of the country drained by the branches of the Elkhart, above the level of the summit, after deducting the supposed surface of the necessary reservoirs, will be equal to 140 square miles, the drainage of which, 11 inches in depth over the whole surface, will give a content of water equal to - - - 3,577,728,000 cubic ft.

From which deduct 10 per cent. for loss from reservoir by evaporation and leakage, and there will remain applicable to the supply of the canal, - - - 3,219,955,000 cubic ft.

The quantity of water required for the supply of the leakage and evaporation of a canal in ordinary cases has usually been estimated at 100 feet per minute for each mile. There is much authority for adopting this allowance as a general rule. The Engineers of the States of New York and Ohio, after having witnessed the practical operation of the canals of those states since their completion, still consider it proper in the location of all their new routes, to provide this quantity, as may be seen by reference to their reports.

In the case under consideration, the Engineer supposes that three-fourths of this quantity would be sufficient on account of the peculiar character of the country, and the numerous springs and rivulets that would be received into the canal. I presume this opinion is well founded, yet for the purpose of greater safety, I propose in this calculation to provide for an expenditure of 100 cubic feet per minute.

The amount of water required for lockage depends upon the amount of trade and the lift of the locks. Each boat in passing through a division of the canal on which there is a summit, must, (except when the boats alternate) draw from the summit level two locks full of water, and the quantity of water thus drawn from the division depends of course upon the lift of the locks at the two extremes of the division. In the present case, the last lock at the south end of the division, where it unites with the Wabash and Erie canal, as well as the lock at the other end, where a second feeder is received from the Elkhart, may be only 6 feet lift. It cannot be supposed that more than fifty boats per day would pass this summit, including those going in both directions for the first five or six years after its completion, and by the time the increased business of the canal would require an increased quantity of lockage water, it is supposed that this would be provided for in the diminished expenditure for leakage. By this calculation the necessary allowance for lockage water will be a quantity sufficient to fill a lock of 6 feet lift 100 times in each 24 hours, which (with locks 90 feet long and 15 feet wide) is equal to a constant supply of 562.50 cubic feet per minute.

Estimating from these data the quantity of water required on the summit level during each year may be stated as follows, viz:

Allowance for leakage and evaporation on 45½ miles of canal and feeded at the rate of 100 cubic feet per minute per mile, for 365 days, - - - - -	2,391,480,000 cubic feet
Lockage water for the passage of 50 boats per day with locks of 6 feet lift, for 275 days, which will embrace the business season - - - - -	222,750,000 cubic feet
Total yearly demand, - - - - -	2,614,230,000 cubic feet
Which being deducted from the annual supply as before stated will leave a surplus of	<u>605,725,200 cubic feet</u>

In this calculation of demand and supply, I have pursued a method somewhat different from that followed by Mr. Mitchell, and the result, it will be seen, corroborates the opinion advanced by him, that the canal may be supplied without resort to Cedar creek. It however admonishes us of the necessity, in adjusting the plans upon this summit, of retaining in reservoirs the whole drainage of the country.

As the levels taken on different parts of the route have not been connected, the lockage cannot now be stated with perfect accuracy. The Elkhart summit level has been ascertained to be 147 feet above the summit level of the Wabash and Erie canal, with which this canal is designed to connect. The elevation of Lake Michigan has not been ascertained, but assuming it to be 20 feet above Lake Erie, the lockage north of the Elkhart summit will be 308 feet, which added to 147 feet, the descent to the Wabash and Erie canal, will give 455 feet as the total lockage.

The general direction of the line, according to the present plans of location, may be seen by reference to the accompanying maps, for which the Board are indebted to Mr. Mitchell.

All of which is respectfully submitted.

J. L. WILLIAMS,  
*Prin. Eng. Ind. Canals.*

Indianapolis, Dec. 13, 1836.

### No. 1.

DAYTON, Sept. 8, 1836.

DEAR SIR—

I have your two last, and have but a moment's time before stepping into the stage to say that there will be no objection on the part of the state of Ohio, to the location of your White-water canal, as you propose, provided the right of joining is fully secured to her by Indiana, within that state, if deemed necessary.



I have lately examined the question of high and low levels at the state line, (Wabash and Erie Canal) have also conversed with Mr. Dodge, fully, and have now less doubt than ever (in deed have no doubt) that the high level can be more certainly supplied with water by means of your feeder and reservoirs, than the low level can by means of feeders from the Maumee river alone. I run a line on a level with the feeder from the Bull rapids, from which I ascertain that we can command the high plain 9 miles direct, and  $13\frac{1}{2}$  miles by the line of the canal, below the state line. Increase of length in that distance 50 per cent. To continue in the valley to Defiance would increase the length to be supplied from the Maumee river 100 per cent.—In either case *more* than the increase of water below Fort Wayne. The Board of public works have determined on taking the high level.

Yours, &c.,

SAM'L FORRER.

J. L. WILLIAMS,

*Prin. Eng. Ind. Canals.*

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## No 2.

TO JESSE L. WILLIAMS,

*Principal Engineer.*

Sir—The undersigned respectfully begs leave to report; that in obedience to instructions from D. Burr, Acting Commissioner, Central canal, he has surveyed and prepared estimates "of a canal route from the northern termination of the reservoir between Andersontown and Pendleton, down the valley of Fall creek to the Central canal above or at Indianapolis, as the same may be found best adapted to promote the public interest."

As the first object in view was to ascertain the practicability of procuring a sufficient supply of water on the summit level, examinations were made of the country in the vicinity of the summit, for suitable reservoir sites to contain the excess required over the minimum flow of the streams available for the supply of that level, which resulted in a conviction that the country afforded no sites for that purpose, susceptible of improvement at any reasonable expense. A site, however, for a small reservoir was selected in a wet prairie about one and a half miles south-east of Pendleton, and a feeder from Fall creek to the reservoir, and from thence to the main line near Pendleton, was surveyed, and estimates made of its cost together with that of the reservoir. As this plan of supplying the demand was found to be very expensive, and its adoption of doubtful propriety, examinations were made with a view of enlarging the Andersontown reservoir, which resulted in finding it practicable at an expense so much less than the other plan, as to render it decidedly preferable. Besides being less expensive, this plan possesses the advantage of being less complicated, and as no additional

feeders to or from it will be needed, a less amount of water will be required.

A portion of the supply for the Pipe creek summit level, is drawn from an artificial reservoir, and since the length of this summit is increased by the Fall creek route, the artificial supply must be increased accordingly. This increased length is seven miles, after deducting one mile and 75 chains for the line descending south from Pipe creek summit, which will be vacated by the adoption of the Fall creek route, and for which an artificial supply had been provided by Mr. Gooding, as may be seen by reference to his report of last year. By reference to the same report, it will be seen that the time, during which it is supposed that White river will be inadequate to the demand, is 120 days, and since it is required to draw a greater amount of water from this stream the *time* of this inadequacy will be increased.

The additional demand then, on the summit level, is equal to 7 miles at 100 cubic ft. per mile per minute for, say, 150 days,	-	151,200,000 cubic feet.
Add amount displaced by the canal from reservoir of last year,	- - - -	20,000,000 "

Which makes total <i>additional</i> demand on summit level,	- - - - -	171,200,000 "
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From this sum may be taken the surplus remaining in the reservoir of last year, after supplying demand on Treaty creek line,		36,183,000 "
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And there remains the amount for which a supply must be provided,	- - - -	<u>135,017,000 cubic feet.</u>
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Provision is made in the accompanying estimate for an enlargement of the Andersontown reservoir to contain an addition to its former content, after deducting 18 inches from the increased surface for evaporation, of 224,002,000 cubic feet. From which deduct the above demand, and there remains a surplus of 88,985,000 cubic feet, applicable to the supply of a further demand.

During the progress of the survey, Fall creek was considerably swollen by the fall rains, consequently there were no means of ascertaining the minimum discharge at the several points where feeders are taken from it, but by previous measurement, it was ascertained that at Pendleton, the discharge, at nearly a minimum stage of the stream, was 800, and at the same time, near Indianapolis, some 30 miles below, it was 1,800 cubic feet per minute, from which it is inferred that the minimum discharge at the second feeder, 7 miles below Pendleton, is about 1,000 cubic feet. This it is belived, is the least discharge of a stream along which a canal of this size may be constructed, and rely upon its natural minimum flow for an ample supply of water; and as the stream is taken in at Pendleton the discharge must be considerably diminished at all the feeders below, and at the second feeder it is per-

haps reduced one half of the discharge at Pendleton, or 400 feet which will be the deficiency at that place. Upon the same principle there will also be a small deficiency at the third feeder.

It is impossible to determine precisely the extent of this deficiency, unless the minimum flow of the stream were known at the points where it is proposed to take in the several feeders, but it is believed to be safe to assume the deficiency on 20 miles at 50 cubic feet per mile per minute for 60 days. Then  $50 \times 20 \times 60 \times 24 \times 60$  86,400,000 cubic feet, which taken from the surplus remaining in the reservoir, after supplying the summit, and there still remains a small surplus of 2,585,000 cubic feet.

It is believed that the above provision is ample, but should further examinations prove it otherwise, the reservoir can be easily enlarged so as to hold the required amount.

The line of canal as surveyed, commences at the north end of the Andersontown reservoir, but as the feeder from this point to the canal at Andersontown will become a part of this line of canal, its length and cost of construction are included in the estimates.

The reservoir here, with the enlargement necessary to supply the Fall creek route, is five miles long, and occupies the low ground through which the canal must pass in crossing the ridge between White river and Fall creek. The most feasible plan of passing the reservoir seems to be to construct the canal along the side of it, and build a bank between it and the canal to keep the water in the reservoir from flowing into it. The excavation to form this part of the canal will equal a cut of 15 feet, extending the whole length of the reservoir. With the earth obtained from this excavation a bank will be built about twenty feet from the canal, which will be raised 25 feet above bottom of canal, 5 feet above top water in the reservoir, and from 12 to 16 feet high above the ground upon which it is built. The object of placing the bank at some distance from the canal, is to prevent slips, which will be occasioned by the great pressure of the water in the reservoir from filling the canal, and at the same time to obtain a place to form a towing path less elevated above the canal, than if it were formed on top of this bank. The water in the reservoir, when filled, will stand 20 feet above the bottom of canal. To lessen, as much as possible, the liability to breaches in this bank, a row of 2 inch plank is estimated, to be placed in the centre of the bank, the whole length of the reservoir, and to extend two feet below the natural surface of the earth, and one foot above top water line in the reservoir.

The line from the reservoir to the first feeder from Fall creek, is located on favorable ground, but is rendered expensive in consequence of the great amount of lockage. Excellent building stone may be easily procured at a very short distance from the site of these locks, which circumstance will render their construction comparatively cheap.

The distance from Andersontown to this feeder is 9 miles 29 chains.

Cost, including enlargement of reservoir,	\$273,449 32
Per mile	29,206 86

Total number of lift-locks 5—Lockage 44 feet.

This part of the line is the most expensive, and also the most objectionable on account of its great liability to accident. The great cost is owing to the fact that the ground proper for the canal, is occupied by the reservoir. This circumstance also renders the reservoir much less secure; for instead of one mile of artificial bank, (as will be the case if the reservoir be adapted to the line down White river, there are 6 miles on this which increases its liability to accidents in the proportion of 6 to 1; and moreover the south bank of the reservoir, as now located, is 38 feet high instead of 32 which is the height of the reservoir bank for the other line.

A line passing through Pendleton was surveyed, diverging from the line on the north side of Fall creek near the south end of the reservoir, and crossing the creek a few chains above the Falls, and thence through a slight depression in the south part of the town to the creek a short distance above the feeder-dam, where it crosses the pool and enters the line on the north side through a guard-lock which is estimated of cut stone. The other crossing is effected on a level 15 feet below the summit, and 8 feet above low water in the creek, by means of an aqueduct with two reaches of 46 feet each. The abutments and pier are estimated of cut stone, and the trunk of wood. This line is 9 chains shorter, and costs \$14,319 49 more than the line keeping the north side of the creek, and is from the diverging point to the point of intersection, two miles and eleven chains long. In the event of the Fall creek route being adopted, I would suggest the propriety of an examination with a view of extending this comparison, by continuing the line on the south side, as far down as the mouth of Lick creek, and crossing just above the junction in the pool of a feeder-dam to be built a short distance below.

By making the canal on the south side as far down as Lick creek, two short bluffs on the opposite side would be avoided, and also Foster's branch—to cross which a culvert of 14 feet chord is required. The distance will perhaps be about the same as on the other side; but the saving in cost may be found sufficient to warrant the crossing and re-crossing of Fall creek.

The great number of bluffs, or high washed banks on the south side of the creek, below Lick creek, clearly indicate the north side as the most favorable for the canal as far down as Negley's tavern, seven miles above Indianapolis, where the bluffs disappear on both sides.

Feeder-dam No. 1, is located about  $\frac{1}{4}$  of a mile below Grey's mills, and will be 100 feet long, and will be raised  $4\frac{1}{2}$  feet above low water. This, and all the dams below are based on a sand and gravel foundation, and built in the usual manner, with a foundation of trees and brush 3 or 4 feet deep, (4 at this dam) with the top even with the surface of low water; upon which is built a crib filled with stone and covered with 6 inch plank sloping from the top both ways in the manner of a house roof. The abutments of the dam are estimated of hammer-dressed masonry.

The line about one and a half miles below the feeder, to avoid a circuitous line and single embankment on a low and marshy bottom, is lo-

cated through a slight depression, and a cut of 7 feet is encountered for a short distance; and soon after leaving it, crosses Foster's branch on a stone arch of 14 feet chord. The surface of the stream at the crossing is but 3 feet below bottom of canal, which circumstance would, in most cases, determine a different plan of crossing, but as the stream has a rapid descent, this objection can, in a great measure be removed, by sinking the channel below the canal, so that the water may flow freely off from the culvert; and the estimate accordingly includes this expense. Nearly a mile below Foster's branch, is Lock No. 7, and just below it the line passes a high clay bluff, removed however far enough from the creek to make room for the canal, without requiring protection; but as the intervening narrow bottom is quite low, a considerable amount of embankment is required. For a distance of three miles below this bluff the line passes over a wide alluvial bottom, presenting a favorable slope for locating a cheap canal; at the end of which the creek bottom for nearly a mile is quite narrow, and cut up with wide bayous, and in one place, for a distance of 14 chains, the creek washes the base of a clay bluff, where the canal must be formed by building a bank in the bed of the creek. As stone cannot be procured in sufficient quantities, brush protection is estimated here, and at all the bluffs on the line, except at one of 6 chains in length just below dam No. 2. About a half mile below this bluff, and just below the mouth of Lick creek, the second feeder from Fall creek is introduced.

Feeder Dam No. 2 is 100 feet long, 3 feet high, and will be built in the same manner as dam No. 1, except that the abutments will be made of hewn timber, built in the form of cribs, and filled with gravel. Stone for filling the cribs of the dam may be procured from a quarry of lime stone in the creek bank, a few chains distant. The stone in this quarry are of an inferior quality, and will not answer for mason-work.

It may be proper to remark here, that no stone were discovered below Pendleton, that will answer for building stone, except near Tharp's creek, where it is thought sufficient quantity may be procured, suitable for hammer-dressed masonry, to build the culvert for this stream.

The low level required for receiving the feeder, makes it necessary to encounter cutting for some distance below, greater than is required to form the towing path, and consequently the line is expensive, where with a level a few feet higher the cheapest line can be obtained. Soon after this cutting runs out, Tharp's creek is crossed on a stone arch of 14 feet chord, and immediately after is Lock No. 11, which is dropped here to save embankment across the creek valley. After passing about a mile and a half over a gently sloping and alluvial bottom, the line strikes a high clay bluff, washed at its base by the creek. About half way down this bluff the line enters a depression leading back of the high ground which forms the bluff, and again enters the creek bottom a short distance back of Germantown. By taking this depression a shorter and safer line is obtained than by following the immediate val-

ley of the creek—no great saving, however, is made in the cost, as some deep cutting is encountered, for a short distance, in entering the depression. From the lower end of this depression, to within a half a mile of Dam No. 3, the line is located through the creek bottom near the base of the hill, and it is in general quite cheap; but occasionally the bottom is so low as to require a high single embankment to keep above high water mark. At the termination of this bottom a short clay bluff is encountered, to pass which the towing-path will be built entirely in the bed of the creek, and the earth to form it will be taken from the opposite side, so as to form at the same time a new channel for the creek. Immediately below this bluff is Dam No. 3, which is 130 feet long, and of the same height of Dam No. 2, and will be built in the same manner.

The line from this dam, after passing one mile over a wide alluvial bottom, strikes a clay and gravel bluff, at which are estimated 4½ chains of brush protection, and immediately below crosses Mud creek, on a wooden aqueduct, with one reach of 28 feet. For a distance of one mile below Mud creek, the bottom is very low and narrow, requiring a heavy single embankment to keep out the high water of the creek, and at two places the creek approaches so near to the bluff as to require 6 chains of protection at each. Between these bluffs (the last on the line), and Lock No. 16, which is about three-fourths of a mile below, a cheap line is obtained at the foot of a hill bounding a wide alluvial bottom. This is the last lock in the valley of Fall creek on the line to Broad Ripple—the level being kept up from this point, in order to cross the ridge between this stream and White river. One mile below this lock (at station No. 824) is a point from which two lines to the White river route were run, one intersecting at Broad Ripple, and the other at Indianapolis.

The line to Broad Ripple, for a distance of two miles below the diverging point, is of the cheapest character; but on the next mile, from the necessity of keeping up the level, some heavy single embankment is required on the side of a steep hill, along which the line is located until the top is attained with a cut of 8 feet. Here the line takes a direction across the ridge for Broad Ripple, passing near Esqr. Bacon's and soon after locks down to the level of the line down White river, and intersects it a few chains below the feeder-dam.

Whole length of line from Andersontown to Broad Ripple, 34 mile<sup>s</sup>  
75 chains.

Total cost	-	-	-	-	-	\$520,668	11
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Per mile	-	-	-	-	-	14,902	85
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Number of Lift-Locks 19—Lockage 156 feet.

Road Bridges 9,

Aqueducts 1,

Wood Culverts 12, (9 of 6, 2 of 4 and 1 of 12 ft. chord,)

Stone do 2, (of 14 ft. chord each,)

Aggregate length of Bluff 51 chains.

The line intersecting at Indianapolis, a short distance from the diverging point, crosses the head of a depression, through which the other line passes on its way to Broad Ripple, and thence follows down the valley of the creek to a point a short distance below Negley's tavern, and just below a series of high clay bluffs on the south side, extending near two miles above this point, though occasionally receding a short distance from the creek channel. Here the level is dropped 15 feet, and the line crosses in the pool of the dam to be built about 15 chains below. This dam will be 150 feet long, 6 feet high above low water, and built in the same manner as the feeder-dams above. For the first two miles below the crossing, the line follows the low creek bottom, crossing two small streams by means of rectangular wooden culverts. At the end of these two miles the line leaves the creek, and takes a direction for Indianapolis, over a wide and uniform plane, on which a line of the cheapest character is obtained.

Whole length of line from Andersontown to Indianapolis 39 m. 53 ch.

Total cost of do	-	-	-	-	\$553,832 23
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Per mile	-	-	-	-	13,953 62
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Number of Lift-Locks 20—Lockage 163 feet,

Guard Locks	1
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Road Bridges	9
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Aqueducts	1 (for Mud creek,)
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Wooden Culverts	15 (11 of 6, 2 of 4 and 2 of 12 ft. chord,)
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Stone do	2 (14 ft. chord each.)
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As the object of this survey was to make a comparison between this and the route previously located down the valley of White river, the same rules by which the quantities of work were estimated on that line, have been observed on this; similar structures have been estimated of materials of equal durability; the same prices have been affixed to work of the same kind, and plans best calculated to show a true comparison have been adopted throughout.

This survey, and that down White river, present three different locations or plans of canal from Andersontown to Indianapolis, the length and cost of each are as follows:

Whole length of *White river route* from Andersontown to intersection at Indianapolis, as by previous survey, 48 miles 18 chains.

Total cost of do. to *Broad Ripple* \$445,646 81.

The whole length of *Fall creek route* from Andersontown by way of *Broad Ripple* to Indianapolis, 44 miles 73 chains.

Total cost of do. to *Broad Ripple* \$520,668 11.

Whole length of *Fall creek route* from Andersontown to Indianapolis, keeping the valley of Fall creek, 39 miles 53 chains.

Total cost of do. \$553,832 23.

It may be proper to remark here, with reference to the supply of the *Fall creek route*, that barely a sufficient amount of water has been provided, which has been made up, in part, by receiving Fall creek as often as is thought necessary to secure all the water it can furnish. In

consequence of this diversion of the waters of Fall creek, the water power which is now, and that which may be hereafter brought into use, will in a great measure be destroyed. And inasmuch as the water which will pass around the several locks, to supply this line below, will be enough only for a few miles of canal, its amount will be insufficient to propel machinery to any great extent.

A map and profile of the route is now being made and will be completed in a few days.

Respectfully submitted,  
Indianapolis, Dec. 10, 1836.

S. HOLMAN, *Engineer.*



## ABSTRACT OF ESTIMATES—Line to Indianapolis.

Sec.	Length.	Dolls.	Cts	Description.
	123	9,767	38	Feeder from Anderson reservoir—plain,
		32,553	33	Cost of enlarging Anderson reservoir,
1	45	22,576	84	Heavy single bank and deep excavat'n, passing res.
2	81	39,224	43	do do do do
3	78	31,282	01	do do do do
4	81	30,893	29	do do do do
5	78	33,706	25	do do do do
6	80	16,471	60	do do do leaves reservoir,
7	81	6,096	77	Single bank and road bridge,
8	81	40,134	69	4 cut stone locks—total lift 35 ft.
9	90	18,081	37	F'd'r dam & head-gates—R. bridge 1 do do 9 "
10	81	4,696	22	Plain,
11	81	6,602	85	Foster's branch—stone arch 14 feet,
12	81	15,263	93	1 cut stone l'k—lift 8 "
13	81	4,125	19	1 wood culvert 6 ft. chord,
14	81	23,579	27	2 " " 4 & 6 " 2 " " 14 "
15	78	6,455	52	Road bridge 13½ chs. protection,
16	81	20,926	99	Feeder-dam and head-gates 6 chs. do 1 do 8 "
17	81	7,112	26	1 wood cul. 4 feet chord,
18	78	11,462	22	1 stone do 14 " " r'd br'ge 1 wood l'k 8 "
19	81	3,698	45	1 wood do 6 " " do
20	81	13,883	43	15 chs. pro.
21	81	19,437	48	1 do do 6 " " r'd br'ge 2 " do 17 "
22	81	4,310	87	Plain,
23	78	5,781	27	1 do do 6 " " 4 chs. protec'tn,
24	78	3,794	02	2 do do 6 " chord each,
25	81	9,923	68	8 chs. pro.—1 wood lock 7 "
26	81	10,873	98	Feeder-dam and head-gates 1 do 7 "
27	78	11,865	35	Mud creek aqueduct 10½ chains protection,
28	90	13,397	02	2 wood cul. 6 & 12 ft. ch'd 6 chs. do
29	72	3,989	29	1 do do 6 ft. " road bridge,
30	81	9,268	15	(Diverg. point at upper end this sec.) 1 w'd l'k 7 "
31	81	11,467	75	Dam and guard-lock 1 do 8 "
32	78	5,623	32	2 wood cul. 6 & 12 ft. chord—road bridge,
33	81	6,516	06	1 do do 6 " do do
34	81	5,681	54	Plain,
35	78	8,472	52	1 wood lock 10 "
36	81	3,762	50	Plain,
37	90	3,633	75	Plain,
38	99	17,449	88	2 do do 17 "
		553,832	23	Total cost.

Total length 39 miles 53 chains—Cost per mile \$13,953.62.

# ABSTRACT OF ESTIMATES—Line from diverging point to Broad Ripple.

Sec.	Length.	Dolls.	Cts.	Description.
2	300	481,946	76	Line above diverging point,
30	78	2,545	77	Plain,
31	75	4,417	53	Road bridge,
32	75	5,811	62	Plain,
33	72	4,330	42	Road bridge,
34	72	21,616	01	4 wood locks, total lift 35 feet,
		520.668	11	Total cost from Andersontown to Broad Ripple.

Total length 34 miles 75 chains—cost per mile \$14,902 85.

## No. 3.

To JESSE L. WILLIAMS,  
Chief Engineer:

SIR—

In compliance with your invitation to take charge of the survey and examinations on the line of the Erie and Michigan Canal, I proceeded to Michigan City and joined the party, which had previously been employed in the service on the 5th of September last.

By reference to the act of assembly, authorizing this survey, it was found that the location of a canal was directed, provided, *a practical route could be obtained within the limits of the State of Indiana*: but if no such location could be made, then the location of a rail-way was directed.

From this it appeared to have been the intention of the legislature, that no survey or location of a rail-way should be made, until it was first clearly ascertained that a practicable line for the construction of a canal could not be found between Fort Wayne and Michigan City, without going beyond the boundary of the State of Indiana.

Previous examinations had indicated two prominent difficulties in the location of a canal, to-wit: the summit between Elkhart river and the waters of Little St. Joseph, and the summit dividing the waters of Kankakee and those flowing into Lake Michigan.

Immediately previous to my joining the party, Mr. Holman had de-

terminated the practicability of passing the last mentioned summit by the valleys of Kankakee and Salt rivers, and, as the season for field operations was then too far advanced to afford time for a regular survey and estimate of the whole line, it was deemed more strictly in conformity with the provisions of the law, to employ the remainder of the season in ascertaining whether it was practicable to construct a canal across the Elkhart summit, as upon the issue of this examination alone, depended the character of the improvement contemplated by the legislature. The party was therefore immediately removed above the forks of Elkhart river, and the necessary experimental surveys commenced. The extensive range embraced within the limits of this survey, in a country covered with a dense forest, necessarily consumed much time.

As a preliminary, it became necessary to ascertain the greatest height at which an adequate supply of water could be obtained; as that level would determine the fact whether the summit could be passed without incurring unreasonable expense.

The arrangement adopted for supplying the requisite quantity of water, is to construct a navigable feeder from the North fork of Elkhart near the line between Lagrange and Noble counties, to the summit level of the main canal near the south fork, a short distance below the confluence of Lewis' branch. The feeder in its course, will collect the waters of the middle fork and Tamarack branch of Elkhart. The water of south fork will be introduced into the canal at Elliott's mill dam. The supply which may be derived from these sources at extreme low water could not be very accurately ascertained in consequence of frequent rains during the progress of our operations, it was observed, however, that the streams were subject to but slight variation in the quantity of water discharged. This is perhaps best accounted for by their connection with numerous lakes, which act as regulating reservoirs, and affording a more regular supply than would be the case under different circumstances.

From the 14th to the 25th September, the average discharge of the different streams noted as feeders, was as nearly as could be ascertained 7,500 cubic feet per minute, and from all the facts which could be collected, it is believed that the quantity is at no time reduced below 5,300 feet. That no danger may be apprehended by assuming this amount as the minimum quantity, it is proper to remark that the feeder dams on both the middle and south forks may be so constructed (at an increased expense not exceeding \$10,000) as to form reservoirs capable of accumulating during the times of high water, any quantity which the wants of the canal might require during periods of extraordinary drought.

I would recommend this plan of forming reservoirs, because the large amount of surplus water thus obtained might be advantageously employed in propelling machinery, or supplying the contemplated Maumee canal, if at any time a supply from this source might be desirable.

The canal and feeder to be supplied from the sources referred to, will be 45½ miles in length, and assuming the minimum quantity of water at 5,300 cubic feet per minute, the aggregate supply for the business season, calculated at 210 days, would be - - - 1,602,720,000 cubic feet.

The quantity required will be as follows:

For supplying 45½ miles of canal and feeder at 75 cubic feet per minute, for each mile for 210 days	-	-	1,031,940,000	"	"
Lockage water required to pass 100 boats per day for 210 days	-	-	453,600,000	"	"
			<hr/> 1,485,540,000	"	"
Surplus	-	-	<hr/> 117,180,000	"	"

I am aware that the quantity here calculated for supplying filtration and evaporation is less than is now usually allowed, but as the demand for this purpose must be varied by circumstances, little doubt can be entertained in this case, that the calculation will be found adequate. The reasons which operate to establish the fact, are the numerous springs and streams crossing the line of location, which can be most conveniently disposed of by introducing them into the canal, together with the general character of the soil for retaining water and the diminished exposure to leakage, from the peculiarity of location.

Being satisfied in relation to a supply of water, the next operation was to ascertain the most favorable point for passing the feeder-level over the summit. The lowest summit was found in a marsh three miles south of Elliott's mill—the waters of this marsh drain north into the Elkhart, and south into the Mud branch of Blue Grass creek. Its elevation is 43 feet above the feeder level, and deep cutting would be encountered for the distance of four miles. The examination was then extended to the head of the main branch of Blue Grass, where it was found that the summit might be passed by cutting through a ridge to the depth of 49.60 feet for a distance of only 8 chains; this being decidedly the most favorable, was consequently adopted as a point in the location. From the north-west side of the summit ridge, the canal will pass down the valley of the south fork and form a junction with the feeder line. The summit level is 147 feet above the level of the Wabash & Erie Canal, thus commanding the slope of the intermediate country, so that no material deviation from a straight line will be required in the location to Fort Wayne.

Having ascertained the practicability and comparative cheapness of constructing a canal across the Elkhart summit, the location of a feeder line was commenced at the west end of the summit level and extended north as far as the middle fork of Elkhart. The estimated cost of its construction is \$10,280 per mile, including the cost of em-

banking the reservoir, building a guard-lock and all other incidental work necessary to its completion.

Not having acquired, with any considerable degree of accuracy, the facts necessary to form an estimate of the cost of constructing a canal from Fort Wayne to Michigan City, I can only say, that from a general view of the probable route, and a comparison with similar works already constructed by this State, its cost will not probably exceed an average of \$11,000 per mile.

A map in illustration of this report is herewith submitted.

W. B. MITCHELL,  
*Civil Engineer.*

Indianapolis, Dec. 8, 1836.

### No. 4.

To JESSE L. WILLIAMS,  
*Principal Engineer.*

SIR—

In obedience to your verbal instructions, communicated to me on the 22d of March last, directing some preliminary examinations on the Elkhart summit, to determine the practicability of the summit section of the Erie & Michigan canal, a party was immediately organized, and a line of random levels commenced at Fort Wayne, with the summit level of the Wabash & Erie Canal as a base, and run thence along the Monongoquonon road to Cedar creek, a branch of the Little St. Joseph, and thence up the westwardly branches of this stream, to their sources, thence along the ridge dividing the waters of the Little St. Joseph from those of the Elkhart, to the sources of the north branches of the latter stream.

In order to obtain data from which to calculate the extent of country, the drainage of which could be brought to the summit, a level was assumed giving a deep cut of reasonable magnitude, through the lowest gap thus found in the ridge, and levels run with this base up the several branches of the Elkhart and Cedar creek, to ascertain at what points they were high enough to command the assumed summit level; taking at the same time such notes as it was thought would assist in selecting reservoir sites, or aid in making a proper location of the canal.

The result of these examinations prove that the principal branches of the Elkhart drain an area of 142 square miles, and Cedar creek 130 square miles, available for the supply of the summit level; that many reservoir sites of easy improvement may be found in the vicinity of the summit; that the character of the country is generally favorable for a cheap construction of the canal and necessary feeders; and that a feeder to convey the drainage of Cedar creek to the main line will be about 18 miles long.

By your instructions of the 24th June last, I was directed to proceed to the northern part of the route, for the purpose of taking such levels as would be necessary to determine whether the canal could be constructed across the ridge which divides the waters of the Kankakee

from those which flow into Lake Michigan, and as it was evident that the supply for this portion of the line must be drawn from the Big St. Joseph or the Elkhart, the height of the level across the ridge would be governed by the low ground, previously known to exist, at the head of the Kankakee, near South Bend, the undersigned was directed to assume a level at that place, as high as could be maintained across this valley at reasonable cost, and after ascertaining at what point the waters of the Big St. Joseph could be introduced, to run a line of levels in the direction of Michigan City, to the summit, and if the country in this direction proved to be too high to continue this level along the dividing ridge north to the state line, and west as far as might appear necessary to determine the practicability of getting through it to Michigan City.

In obedience to the foregoing instructions, a party was organized at Fort Wayne, and taken immediately to Goshen, and there a random level was commenced, taking the surface of the Elkhart at that place for a base, and run thence down that stream to its mouth, and from thence down the Big St. Joseph to South Bend; taking the surface of those streams in several places. The low ground here was then examined, and a level assumed for bottom of canal, requiring an embankment for three miles in length, and from 6 to 18 feet in height. With this base, a level was run along the ridge until it was ascertained that the canal could not cross the ridge in this direction, and keep within this state, with a cut of less than 67 feet, and between the points of proper cutting on either side about 8 miles.

It was ascertained, however, that the canal could be made by running about one mile into Michigan, and continuing in her territory about 6 miles.

The route of this line will follow down the Kankakee, from South Bend to the mouth of the Grape-vine creek, thence up this stream to its source, where it will enter Michigan and continue in her territory about 6 miles, to the head of Trail creek, thence down this stream to Michigan City.

It was also found by continuing the level further along the ridge towards the Illinois line, which was done at a subsequent period, that a practicable route may be found, by crossing the ridge through a depression found at the head of Salt river, a branch of the Calumet. This depression or gap in the ridge, is in sec. 2, town. 34 north, range 6 west, and is so low as to do away the necessity of the high embankment across the head of the Kankakee near South Bend.

The plan of the canal on this route will probably be as follows: After passing the Elkhart summit, the canal will follow down the valleys of the Elkhart and Big St. Joseph rivers to South Bend, thence across the summit into the head of the Kankakee valley, thence along the north side of that valley to Indian creek, 6 or 8 miles above its mouth, thence up this stream to the head of Salt river, and from thence to Michigan City.

The surface of the Big St. Joseph, four miles below the mouth of the Elkhart, is high enough to command, without deep cutting, the

summit at the head of the Kankakee, and the last feeder from the St. Joseph will be introduced at or above this point, and will be the chief dependence for the canal to the Lake. It is believed that the Kankakee, six or eight miles above the mouth of Yellow river is high enough to command the ridge at the head of Salt river, and if this should be the case, an additional feeder may be introduced from that stream if necessary.

All of which is respectfully submitted.

S. HOLMAN, *Engineer*.

Indianapolis, Dec. 10, 1836.

On leave granted, Mr. Clark offered the following resolution, which was adopted.

*Resolved*, That eight hundred copies of the report of the Board of Internal Improvement and the accompanying documents be printed for the use of the Senate, and two hundred copies for the use of the Board of Internal Improvement and Engineers.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the House of Representatives of the following titles, to-wit:

No. 13—An act for the incorporation of the town of Knightstown in Henry county;

No. 21—An act authorizing the election of an additional justice of the peace in Franklin township, Owen county;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed an engrossed bill of the Senate,

No. 4—An act to amend an act entitled an act for the formation of the county of Brown, approved Feb. 4, 1836,

I am directed to bring it to the Senate for the signature of the President thereof.

The bills of the House of Representatives, Nos. 13 and 21, were each read once and passed to a second reading on to-morrow.

The President having signed the bills, &c. in the message reported as having been signed by the Speaker, they were severally handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives have passed engrossed bills of the House of Representatives, entitled as follows, to-wit:

No. 33—An act to repeal a part of the Crawfordsville, Covington and Illinois rail road charter;

No. 36—An act to amend the several acts for the promotion of schools in Clark's grant; and

No. 37—An act to incorporate the St. Joseph Manual Labor Institute;

And also engrossed memorials and joint resolutions entitled as follows, to-wit:

No. 27—A joint resolution on the subject of the purchase of the Louisville and Portland Canal stock; and

No. 34—A memorial and joint resolution of the State of Indiana, asking an appropriation for the public works at Michigan City, Indiana;

In which engrossed bills and joint resolutions the concurrence of the Senate is requested.

The bills of the House of Representatives, Nos. 33, 36 and 37 were severally read the first time and passed to a second reading on to-morrow;

And also the joint resolution and joint resolution and memorial Nos. 27 and 34, were each read once and passed to a second reading on to-morrow.

On motion,

The Senate adjourned.

*2 o'clock P. M.*

The Senate assembled.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the Senate,

No. 5—An act authorizing the Treasurer of State to receive from the Secretary of the Treasury of the United States, the amount of the surplus revenue of the United States proposed to be deposited with this state by the 13th section of an act to regulate the deposits of the public money, without amendment.

Mr. Beard from the committee on elections, made the following report, which was concurred in by the Senate:

Mr. PRESIDENT—

The committee on elections, to whom was referred the credentials of the newly elected Senators, have examined the same, and have directed me to report the following gentlemen duly elected, to-wit:



- From the counties of Knox, Daviess and Martin.*—Thomas. C. Moore  
*From the county of Lawrence.*—Richard W. Thompson.  
*From the counties of Greene and Owen.*—David M. Dobson.  
*From the county of Putnam.*—Daniel Sigler.  
*From the counties of Vermillion, Warren and part of Jasper.*—Simon Terman.  
*From the counties of Clinton and Carroll.*—Samuel Milroy.  
*From the county of Harrison.*—David G. Mitchell.  
*From the counties of Perry, Spencer and Crawford.*—George B. Thompson.  
*From the counties of Vanderburg, Posey and Warrick.*—Wm. Casey.  
*From the county of Monroe.*—Paris C. Dunning.  
*From the county of Johnson.*—John S. Thompson.  
*From the county of Morgan.*—Grant Stafford.  
*From the county of Hendricks.*—Alexander Little.  
*From the county of Shelby.*—John Walker.  
*From the counties of Hamilton and Boone.*—Bicknell Cole.  
*From the counties of Cass, Miami and Fulton.*—G. W. Ewing.  
*From the counties of Wabash, Jay, Huntington and Grant.*—Ezra S. Trask.  
*From the counties of Delaware and Randolph.*—Andrew Kennedy.  
*From the county of Henry.*—Thomas R. Stanford.  
*From the counties of Fayette and Union.*—Newton Claypool.  
*From the counties of St. Joseph, Marshall, Kosciusko and Stark.*—Jonathan A. Liston.  
*From the counties of Laporte, Porter, Newton, White, Pulaski and part of Jasper.*—Gustavus A. Everts.  
*From the county of Ripley.*—Thomas Smith.  
*From the counties of Bartholomew and Jennings.*—John Vawter.  
*From the counties of Jackson and Scott.*—Isaac Hoagland.  
*From the county of Wayne.*—Abner M. Bradbury.  
*From the county of Floyd.*—James Collins.  
*From the counties of Elkhart, Lagrange, Steuben, DeKalb and Noble.*—George H. Crawford.

Mr. Morgan from the committee on military affairs, made the following report, which was concurred in by the Senate:

MR. PRESIDENT—

The committee on military affairs to whom was referred a resolution of the Senate directing an inquiry, what amendments if any, are necessary to the militia law, relative to making and franking returns of military elections, to the office of the Adjutant-General, report that further legislation on that subject is inexpedient.

Mr. Colerick from the select committee to whom was referred the petition of Andrew Brown and others, made the following report:

MR. PRESIDENT—

The select committee to which was referred the petition of Andrew Brown and others of the county of Wells, praying for the organization of the county of Wells, have had the same under consideration and directed me to report the following bill for the organization of said county:

The bill of the Senate, No. 29, was read once and passed to a second reading on to-morrow.

On motion of Mr. Liston, the following resolution was adopted:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for the appointment of an Attorney General for the State of Indiana.

On motion of Mr. Conwell, the following resolution was adopted:

*Resolved*, That a select committee of seven be appointed to inquire into the expediency of memorializing Congress on the subject of purchasing from the United States the alternate sections of land on the line of the Wabash and Erie canal, reserved from sale by the United States.

On motion of Mr. Milroy, the following resolution was adopted:

*Resolved*, That the standing committee on roads be instructed to inquire into the expediency of providing for the election or appointment of Township Treasurers in each township in the several counties, whose duty it shall be to receive all moneys collected as road tax, from the county collectors, collected on unresidential lands within his township. Also to receive and collect all sums due from those who may fail to work on roads as required by law, or that fail to work out their road tax, and to pay the same over to the order of the proper supervisors in charge of the roads of the township, and for the faithful disbursement of all such moneys &c., so coming into his hands, shall annually settle with the boards doing county business.

On motion of Mr. Milroy, the following resolution was adopted:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of constructing a river lock in the canal between the dam to be erected across the Wabash river near Delphi and the Deer creek dam, so that river crafts may pass around the Wabash dam, preserving to the upper Wabash the benefit of river navigation.

Mr. Colerick introduced a memorial and joint resolution No. 30, in relation to the surplus revenue of the United States;

Which was read once and passed to a second reading.

Mr. Stewart introduced a joint resolution No. 31, relative to soldiers and those who served in the last war;

Which was read once and passed to a second reading on to-morrow.

Mr. Liston introduced a bill, No. 32, on the subject of evidence;

Which was read once and passed to a second reading on to-morrow.

Mr. Vawter introduced a bill, No. 33, relative to a state road leading from the Madison and Indianapolis state road to Jacksonburgh in Brown county;

Which was read once and passed to a second reading on to-morrow.

On motion,

The Senate adjourned.

TUESDAY, DECEMBER 20, 1836.

The Senate assembled.

On motion of Mr. Liston,

The petition of sundry Indian chiefs, was taken from the table and referred to a select committee, composed of Messrs. Liston, Ewing, Colerick and Everts.

The President laid before the Senate the following report from Mr. Dumont, who had been appointed by the Governor to revise the school laws; together with a bill, which was read once, and,

On motion of Mr. Brady,

The rules of the Senate were dispensed with; the bill read a second time; and,

On motion of the same gentleman, laid upon the table; and,

On motion of Mr. Mitchell, 1,000 copies of the report, and 200 of the bill were ordered to be printed for the use of the Senate.

INDIANAPOLIS, Dec. 20, 1836.

TO THE HON. DAVID WALLACE,

*President of the Senate:*

SIR—

I herewith submit a revised copy of the Congressional School Laws, having been appointed by His Excellency, the Governor, to revise the same.

In examining the joint resolution that authorises this revision, it is made the duty of the reviser "to collate and systematise all the laws on the subject of Congressional Schools, and to present the same to the next Legislature; and to define in separate chapters the duties of each officer having charge of the School Funds, and who may be appointed to perform any other duties.

In examining the subject, I found it impossible to comply with the requisitions of the joint resolution. The duty of no one officer could be placed in a separate chapter, because of the intimate connection between the various officers in the system—so that the instances are few where the duty of an officer is named in a section in which some other officer is not also connected with the same duty.

Endeavoring to fulfil the spirit of the joint resolution as far as possible, I have placed different distinct subjects in distinct chapters. The concerns of townships, of districts, the building of school houses, employng teachers, loaning money, selling land, making dividends of money, &c., in separate chapters; and have appended to the whole a set of forms as a guide to officers in their transactions under the law. I considered that I had no liberty to change the spirit of any enactment; what is herewith presented is the original in a more condensed form. If there be any omission or addition, as to the spirit of the several acts, it has escaped my notice, except that I have omitted the 129th section of the act of 1833, as being repugnant to the spirit and genius of the whole. It would seem to me that the legislature could never have intended to give to the township trustees in opposition to the will of the people, the right to fund the interest of their money, and thereby prevent the organization of schools under the law.

Also, in the 8th section of the act of 1835, I have changed the word "eighteen" to "twenty-one," believing it to be a mis-print—or at least repugnant to the general context. Such parts of the acts of 1834, 1835 and 1836, as are amendments of "an act to provide a fund to encourage common schools," and "an act in furtherance thereof," and are embodied in the several acts relative to Congressional Schools, I considered as not properly belonging to the latter, and that those amendments, together with the original, will be properly revised by such authority as the legislature may appoint to revise our whole statutory code: Therefore I have placed those amendments in a chapter by themselves without alteration.

In relation to that part of the resolution which requires the reviser to "suggest to the Legislature such amendments as in his opinion would render the system less complex, and approximating as far as possible to perfection," I must say that it embraces more than I could hope to accomplish. If our common school system in twenty or thirty years shall have attained a proximity to perfection, after the tests of practice upon successive legislative enactments, it will prove that the cause of education has, within that period, had many enlightened and ardent friends in the councils of the state.

I will, however, suggest a few amendments which I deem important.

1st. To permit districts that shall, by a vote, signify it to be their choice, to draw their proportion of the School Fund, for the purpose of building school houses under proper restrictions and limitations, and having reference to what any district may draw for that purpose, by virtue of "an act to provide a fund to encourage common schools," and an act "in furtherance of said act."

2nd. For the use of small and poor districts, that have not numerical strength sufficient to support a school three months in the year, to set apart their proportion of the fund, to be loaned by the commissioner for short periods, for the use of the district, until six months after the householders or children shall attain a given number; and after that time if any such district will not support a school, to divide the money among other districts of the township that do support schools.

3d. That after three or four years, no district shall be entitled to draw money from the township funds for the payment of a teacher, unless the teacher shall have procured a certificate from the constituted authority to give the same, that he or she is well qualified to teach reading, writing, arithmetic, English grammar, and geography; and that such teacher is a person of good moral character.

4th. That provision be made to pay recorders for recording the certificates of sales of commissioners.

5th. That the School commissioners be permitted to keep any congressional moneys on hand ten days without loaning it, unless it can be loaned sooner on good security at ten per cent. per annum interest.

6th. That each district be authorized to establish a library for the use of the scholars and parents, either by a voluntary contribution or by a small tax, if the householders of the district consent to it by a vote of a majority of the whole, at some public authorized meeting, or by using part of their fund in the township treasury for that purpose, where there may be a surplus.

7th. As the circuit courts in some instances, have refused to appoint county surveyors and other officers in conformity to our statutes, alledging as a reason that it is not judicial business to make appointments I would suggest the propriety of authorizing the boards doing county business to appoint the examiners of common school teachers, unless the legislature should provide for their examination by the visitors named in this report.

8th. That school commissioners shall have reasonable notice of any motion intended to be made, to remove them from office, and that they be furnished with a copy of the charges intended to be preferred against them.

9th. In loaning school moneys it might diffuse more general good to the inhabitants of the townships, if a provision were made (with such restrictions as to make the fund secure) to loan money to householders who are not landholders.

10th. That the state be laid out in districts of the size of congressional districts or circuit court districts, and that a suitable person in each be appointed to visit each county at least once a year; and examine the county seminaries, and also to examine into the manner in which the school commissioners and other officers keep their books and perform their duties; to visit the district schools at fixed periods, of which the trustees and teachers should have previous notice: to receive from the several officers a detailed report of all school matters connected with the districts, townships and counties (to be provided by detail in the act) to examine teachers and applicants to be teachers, touching their qualifications, and to give them certificates.

11th. That the several visitors shall constitute a state board of common school education, which shall meet annually, in the month of December at Indianapolis, appoint their President and Secretary from members of their own body, report to the legislature the result of the examinations of the preceding year and recommend from time to time

such amendments in the laws as they may deem necessary for the improvement of county seminaries and common schools.

12th. That such board shall devise and recommend from time to time the mode of instruction and the books and apparatus to be used in county seminaries and district schools, leaving it optional with the trustees respectively, whether they will pursue the recommendation.

13th. That the visitors instead of the board doing county business, shall select the students that are to be sent to the State College free of tuition fees, as provided by the act of Feb. 1, 1834, having reference to the moral character of the boys that are applicants, their aptness to learn and their diligence and proficiency in their studies.

14th. That there may be always one free student in the college from each county, such visitors shall give certificates to three or four each year in each county, numbering the certificates; which certificates shall give the holders thereof precedence in numerical order. And that no admission shall be authorized but on the examination and certificates of the visitor at his latest annual or semi-annual visitation. By this means, in a few years several hundred persons (more than otherwise would be) will have received sufficient instruction to be well qualified to teach in district schools, and to qualify vast numbers of others for that which is the most useful, and which ought to be among the most honorable of callings.

16th. Such numbers of this act should be published as to furnish a copy to each school commissioner, district and township trustee throughout the state, and a sufficient number of surplus copies to supply other townships and districts as they may organize.

16th. For defraying for a time the expense of the visitors, the moneys that have arisen from the rents of saline reserves might be appropriated, when the present terms for which they have been loaned shall have expired.

There is no important concern of our State Government left without supervisory authority to watch and direct its operations, the primary schools alone excepted. Land has been given by Congress, from which as yet, little actual good has been felt, (though there is much in prospect) our state has made some additions, just enough to prove, that the subject, which ought to be the first in the hearts of the people, and consequently first in the minds of their representatives has only by the latter, held a secondary place.

With these small bequests, (if so they may be called, for truly they have paid dearly for them,) the people have been left to struggle and grope their way without guides, without direction, without cheering from the constituted authorities. No general plan has been laid before them. No visitors have been appointed. None to urge to the uninformed the use and necessity of placing in the hands of the youth the stupendous lever of knowledge.

Impositions are continually practiced upon districts and sometimes upon whole townships, by which all the bounty of Congress and of the State, is drained from the people and put into the pockets of ignorant

pretenders. Instruction should be a government concern. The children, (to some extent) public property. By them the State will rise to renown or be depressed with ignomy. By them, our government as a nation, and our sacred institutions will be preserved, or by their aid and acquiescence, those institutions will be crumbled beneath the foot of upstart royalty.

We deem it a duty to provide for the general wealth of our citizens: it would also seem necessary to provide the living and perpetual means of protecting that wealth from the unholy grasp of usurped power. Pecuniary aid to a far greater extent than has yet been, should be given to advance mental cultivation. If the treasures of iron and coal beneath the surface of the earth, are worthy of the researches of the geologist under state patronage, (as truly they are) in a far greater degree must the hidden gems of immortal mental beauty and usefulness, deserve our active solicitude.

Addresses at stated periods by the visitors, to the teachers, children, and parents, would bring together nearly all the parents in each district. The importance of the instruction of their children would be impressed upon their minds, this grand subject would command engrossing interest: neighborhood feuds and private strifes would in a degree vanish before it, and the united efforts of almost every district might soon be expected. As effects of the visitatorial system, a competent class of teachers will succeed those who are now totally unqualified for their stations. The whole swarm of worthless teachers, who are now preying on the inhabitants, will be driven from the State, or be compelled to seek other employments. An emulation will arise among the teachers of different districts to make their schools respectable, a personal emulation and also a district pride will pervade the breasts of the children, and tend greatly to promote their general advancement in knowledge; parental love and parental pride will be enlisted, and then, the whole grand work will have received such an impetus as to bid defiance to all obstacles.

The manner of commencing suits under the law, should in some instances be more clearly defined. There are many other amendments that might be suggested, most of which, that have occurred to my mind, have already been presented to the Legislature, by petitions and resolutions.

When the bill shall have passed both Houses with such modifications and amendments as the Legislature may embody with it, I will take a pleasure, if the state of my health will permit, in preparing a comprehensive index for the whole.

Mr. Dunning from the select committee to whom was referred the petition of Robert Gurley and others, made the following report:

Mr. PRESIDENT--

The select committee to which was referred the petition of Robert Gourley and others, praying the passage of an act authorizing the commissioner of the reserved township of seminary land in Monroe

county, to sell to the trustees of the Secession church ground for the purpose of erecting a church upon, have had the same under consideration and report the following bill:

"A bill to authorize the commissioner of the reserve township of seminary lands to sell certain land therein named.

The bill of the Senate, No. 34, was read once and passed to a second reading on to-morrow.

On motion of Mr. Boon, the following resolution was adopted:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of reporting a bill appointing a commissioner to negotiate and stipulate with the State of Illinois, on the terms that the State will improve the navigation of the Wabash river in conjunction with this State.

On motion of Mr. Collins, the following resolution was adopted:

*Resolved*, That the select committee on the surplus revenue be instructed to inquire into the expediency of incorporating a state loan office, with said fund, with authority to establish branches in the different counties in this state, where individuals will subscribe for and take half the amount of stock required to put such branch in operation, to vest said loan office with power to loan money for a period of one or more years at an interest of 8 or 10 per centum per annum, payable semi-annually, or annually—to discount bills of exchange and promissory notes; and to appropriate the nett profits the state may derive from said loan office to the extinguishment of the principal and interest of any loan or loans the state may have procured or may hereafter procure for the purposes of internal improvement.

Mr. Conwell offered for adoption the following resolution:

*Resolved*, That the committee to whom was referred so much of the Governor's message as relates to the surplus revenue, be instructed to inquire into the expediency of sub-dividing the present bank districts and constructing as many new districts as may be necessary to enable the State Bank to establish as many additional branches as may be necessary to employ all the surplus revenue allotted to this state the ensuing year from the general government; and that the President and Directors of the State Bank select the place and cause branches to be organized as fast as the money comes into the hands of the Treasurer of State from time to time; and also to inquire into the expediency of setting apart a certain per cent. of the interest in said banks, for school purposes, to be paid to the trustees of the several townships semi-annually, and to be used by them for school purposes, as a majority of said Trustees may determine by a vote at the annual election, with leave to report by bill or otherwise;

Which resolution was not agreed to.

Mr. Dunning offered for adoption the following resolution:

*Resolved*, That the select committee on the subject of the surplus revenue be instructed to inquire into the expediency of establishing by law a general loan office at Indianapolis, for the purpose of loaning the surplus revenue to which this state is entitled under the act of Congress, of June 23, 1836; and also to provide for the appointment of



persons in the different counties, whose duty it shall be to receive applications for loan of said fund in equal amounts to the several counties throughout the state, to examine the titles to land mortgaged as security for said loans, and to give drafts on the Commissioner of the General Loan Office. The interest arising from the loaning of said money to be appropriated to the extinguishment of the interest on the internal improvement loan, with leave to report by bill or otherwise.

Mr. Morgan moved to amend by striking out "loan office at Indianapolis," and inserting "one loan office in each Congressional district,"

Which amendment was agreed to.

Mr. Clarke proposed to amend by inserting the words "in equal proportions as near as may be, according to their population;"

Which was also agreed to, and then the resolution as amended was adopted.

Mr. Everts proposed for adoption the following resolution:

*Resolved,* That the committee on the surplus revenue be instructed to inquire into the expediency of placing the surplus revenue in equal parts in each of the banks in this state; and the same be loaned in equal proportions to individuals in each county, and that the attorney of each bank shall examine each mortgage and the securities offered by the borrowers of the money, &c., and that the interest be applied to the payment of the interest on the loans for internal improvements, and that the committee report by bill or otherwise.

Mr. Vawter proposed to strike out that part relating to the bank attorney examining each mortgage and the securities offered;

Which was not agreed to.

And then the resolution was adopted.

On motion of Mr. Brady the following resolution was adopted:

*Resolved,* That the committee on the surplus revenue be instructed to inquire into the expediency of setting apart a certain per centum out of the said fund for common school purposes.

On motion of Mr. Kennedy, the vote taken upon Mr. Conwell's resolution in reference to the surplus revenue, was reconsidered.

Mr. Conwell moved to amend said resolution by adding the following: "And to apply the balance of the interest to the payment of interest on loans;"

Which amendment was agreed to,

And then the resolution as amended was adopted.

On motion of Mr. Stanford the following resolution was adopted:

*Resolved,* That the committee on roads be instructed to inquire into the propriety of amending the 49th section of the act for opening and repairing public roads and highways, approved February 10th, 1831, so as to remove all doubts as to what is considered the road tax therein mentioned.

The President laid before the Senate the following communication and accompanying documents from the Secretary of State,

Which on motion of Mr. Vawter were referred to the committee on education.

INDIANAPOLIS, 20th Dec., 1836.

HON. DAVID WALLACE,

*President of the Senate:*

SIR—

Be pleased to lay before the Senate the accompanying communication.

Very respectfully,

Your obed't serv't,

WM. SHEETS.

DEPARTMENT OF STATE,

Indianapolis, 20th Dec., 1836. }

The undersigned would respectfully state to the Senate, that he cannot, in any reasonable time, without neglecting the ordinary duties of his office, comply, literally, with the resolve of the Senate of the 14th instant, requesting him "to lay before the Senate a list of the names of the persons who have had a remission of the fines or forfeiture, and the amount so remitted, within the last five years, with the names of the counties in which the person resided, and upon what recommendation such fines and forfeitures were remitted." In order, however, that the Senate may be placed in possession of all the information contemplated by the resolution, the undersigned has the honor, herewith, to lay before them the original recommendations upon which the various remissions were made, arranged and numbered in the order they were respectively acted upon.

Respectfully submitted,

WM. SHEETS.

The following communication was received and laid before the Senate by the President, from His Excellency the Governor;

Which was on motion of Mr. Clark, laid upon the table.

EXECUTIVE DEPARTMENT, }

Indianapolis, 20th Dec., 1836. }

The Hon. DAVID WALLACE,

*President of the Senate:*

Nicholas McCarty, Esq. having resigned since the close of the last session of the legislature, the appointment of Fund Commissioner was made to Dr. Isaac Coe, whose name is now offered for the confirmation of the Senate.

The appointment of commissioner upon the State Board of Internal Improvement having devolved upon the Governor, by the resignation of Judge Hall, it was made to Amos Clark, whose name is submitted for the consideration of the Senate.

Owing to the classification of its members, the period of service of James Johnson, David H. Maxwell and John Woodburn, on the Board of Internal Improvement, will expire during the present session, and that the Senate may have full time for deliberation, I nominate them for re-appointment.

N. NOBLE.

On motion of Mr. Dunning, the resolution respecting the formation of circuit probate courts, presented to the Senate by Mr. Thompson of L., from the judiciary committee to whom was referred a resolution of the Senate, requiring an inquiry into the expediency of altering the present probate system;

Was taken from the table, and decided in the negative.

Mr. Bell introduced a bill,

No. 36, supplemental to an to provide for a general system of internal improvement, approved January 27, 1836,

Which was read once and passed to a second reading on to-morrow.

Mr. Dobson introduced a bill,

No. 37, to incorporate the Eel river manufacturing company,

Which was read a first time, and

On motion of Mr. Dobson, the rules of the Senate were suspended with, the bill read a second time, and

On motion of same gentleman, referred to the committee on corporations.

Mr. Chambers introduced a bill,

No. 38, to establish a certain state road in the counties of Perry, Crawford and Orange, which was read once, and on motion of Mr. Clark, the rules of the Senate were dispensed with, the bill read a second time, and on motion of Mr. Chambers referred to a select committee;

*Ordered*, That Messrs Chambers, Thompson of P., and Mitchell be that committee

Mr. Dobson introduced a bill,

No. 39, entitled an act to incorporate the Eel river steam mill company, which was read a first and second time, and

On motion of Mr. Dobson, referred to the committee on incorporations.

Mr. Ewing introduced a bill,

No. 40, entitled an act to change the direction of the Michigan road on section No. 32, of said road, situated in Fulton county,

Which was read one and passed to a second reading on to-morrow.

Mr. Vawter from the committee on enrolled bills made the following report:

Mr. Vawter from the joint committee on enrolled bills report, That they did this day present to His Excellency the Governor, for his approval and signature, an Enrolled Bill of the Senate, No. 4, entitled an act to amend "an act for the formation of the county of Brown," approved February 4th, 1836.

Mr. Hoagland introduced a bill,

No. 41, declaring a certain road therein named, a state road,

Which was read once and passed to a second reading on to-morrow.

Mr. Milroy introduced a bill,

No. 42, entitled a bill to incorporate the Carroll county Seminary,

Which was read a first and second time, and

On motion of Mr. Milroy, referred to the committee on education.

On motion, the Senate adjourned.

WEDNESDAY, DECEMBER 21, 1836.

The Senate assembled.

On motion of Mr. Clark,

The communication from the Governor relative to the nomination of individuals to compose the board of public works, was taken from the table.

The following communication was received from his Excellency the Governor, by Mr. Maguire his private Secretary:

MR. PRESIDENT--

I am requested to give information to the Senate that his Excellency the Governor did, on the 20th instant, approve and sign an act entitled, an act to amend an act for the formation of the county of Brown, approved Feb. 4, 1836; which originated in the Senate.

On motion of Mr. Sigler,

The Senate proceeded with closed doors, to the consideration of his Excellency's communication respecting the board of public works.

Mr. Vawter submitted for adoption the following resolution:

*Resolved*, That the Senate do advise and consent to the nomination of John Woodburn of Jefferson county, as a member of the board of internal improvement;

On this question,

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Bradbury, Brady, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Liston, Little, Milroy, Mitchell, Moore, Morgan, Plummer, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., Trask and Vawter—46.

*And those who voted in the negative are,*

Messrs. Boon, Kennedy, and Walker—3.

So it was decided in the affirmative, and the nomination confirmed.

*Ordered*, That the Secretary inform the Governor of the action of the Senate on said nomination.

Mr. Dunning offered for adoption the following resolution.

*Resolved*, That the Senate do advise and consent to the nomination of David H. Maxwell, as a member of the state board of internal improvement;

On this question,

*Those who voted in the affirmative were*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dumont, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Liston, Little, Milroy, Mitchell, Moore, Morgan, Plummer, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Terman, Thompson of P., Thompson of L., Thompson of J., Trask, Vawter and Walker—45.

*Those who voted in the negative were,*

Messrs. Dobson and Kennedy—2.

So it was decided in the affirmative, and the nomination confirmed.

*Ordered,* That the Secretary inform the Governor of the action of the Senate on said nomination.

Mr. Beard offered for adoption the following resolution:

*Resolved,* That the Senate do advise and consent to the nomination of Jas. B. Johnson, as a member of the board of internal improvement;

*Those who voted in the affirmative, are*

Messrs. Beard, Bell, Boon, Bradbury, Brady, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Kennedy, Liston, Little, Milroy, Mitchell, Moore, Morgan, Plummer, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Terman, Thompson of P., Thompson of L., Thompson of J., Trask, Vawter and Walker—47.

There was no one who voted in the negative.

And so the nomination was confirmed.

*Ordered,* That the Governor be informed of the action of the Senate on said nomination.

On motion of Mr. Casey, the following resolution was offered for adoption:

*Resolved,* That the Senate do advise and consent to the nomination of Amos Clark, as a member of the board of internal improvement;

On this question,

*Those who voted in the affirmative are,*

Messrs. Chambers and Trask—2.

*Those who voted in the negative are,*

Messrs. Beard, Bell, Boon, Bradbury, Brady, Casey, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Kennedy, Liston, Little, Milroy, Mitchell, Moore, Morgan, Plummer, Puett, Sigler, Smith, Stafford, Stanford, Stewart,

Terman, Thompson of P., Thompson of L., Thompson of J., Vawter and Walker—45.

So the nomination was not confirmed.

*Ordered*, That the Secretary inform the Governor of the action of the Senate on said nomination.

Mr Thompson of L., from a select committee, made the following report:

MR. PRESIDENT—

The select committee appointed to wait upon the judges of the supreme court and inquire of them whether they will undertake the revision of the statutory laws of the state, and for what amount of compensation, have discharged that duty, and report, that they have consented to undertake the revision of the statutes, if it shall be the pleasure of the Senate and House of Representatives to assign it to them, and submit the amount of compensation to the legislature.

Mr. Thompson of L. introduced a joint resolution, No. 45, on the subject of a revision of the laws;

Which was read once.

Mr. Brady moved to amend the said joint resolution, by making it the duty of the judges of the supreme court to the next general assembly.

Mr. Clark moved to amend by striking out incorrect and inserting obscure;

Which was agreed to.

Mr. Boon moved to amend by adding the following: Noting the alterations;

Which was agreed to.

And then the joint resolution as amended referred to the judiciary committee.

The following report was received and laid before the Senate by the President, from the Fund Commissioners; which,

On motion of Mr. Hillis,

Was laid upon the table and 500 copies ordered to be printed.

INDIANAPOLIS, Dec. 21, 1836.

HON. DAVID WALLACE,

*President of the Senate:*

SIR—

Please lay the enclosed report before the body over which you preside, and oblige

JER. SULLIVAN,  
SAML. HANNA, } *F. Com'rs.*  
ISAAC COE,

OFFICE OF THE COMMISSIONERS OF THE CANAL FUND, }  
Indianapolis, Dec. 17, 1836. }

*To the General Assembly  
of the State of Indiana:*

The Commissioners of the Canal Fund, in submitting to the Legislature a report of their proceedings during the present year, are compelled to leave for a future report, after settlement with the Board of Internal Improvement, a particular statement of the funds under their care.

The great pressure in the money market, both in Europe and the United States, during the present year, had so much depressed the price of American stocks, that it was found difficult to effect loans on the terms prescribed by law; and the failure of a neighboring state to receive a single proposal for five per cent. stock, after a public invitation had been given, admonished the Board, that the method heretofore pursued of advertising for proposals, would probably be ineffectual, and if so, would be likely to depreciate the price of our stock, and injure its sale by private contract.

Under these circumstances after contracting for a loan of \$500,000 at par, it was thought best, that one member of the board should remain to watch the market and embrace any favorable opportunity which might offer to effect further loans.

In June a contract was made with J. J. Cohen, jr. and Brothers, Bankers, of Baltimore, and completed in July by delivery of the bonds, for five hundred thousand dollars, at par by giving four months after delivery of the bonds, for payment of the money on receiving satisfactory security.

Two thousand seven hundred and forty-two dollars and 58 cents of stock was sold to the Secretary of War at 7 per cent premium, on account of funds in his hands to be invested for the benefit of certain Indian tribes.

And a further loan was made of Thomas Biddle & Co., Brokers of Philadelphia and the Morris Canal and Banking Company of Jersey city, which was completed in November last, for one million and twenty-nine thousand dollars of our five per cent. stock at one per cent. premium.

The result of the whole is,

\$500,000 00	5 per ct. stock sold Messrs. Cohens at par	\$500,000 00
2,742 58	do. sold Sec. of War at 7 pr. ct. premium	2,934 56
1,029,000 00	do. Thos. Biddle & Co. and Morris Canal & Banking Co. at 1 pr. ct. premium,	1,039,290 00
<hr/> 1,531,742 58		
	Five per cent stock sold for	\$1,542,224 56
	Of this,	
\$241,742 58	of stock was issued on account of Wabash and Erie Canal producing	\$243,324 56
440,000 00	do. on acct. of Bank loan producing	444,400 00
& 850,000 00	do. on acct. of int. improv't. loan do.	854,500 00

For which all the bonds are dated the 1st July last, and the interest made payable semi-annually, the first days of January and July, on \$1,610,000 at the banking house of the Morris Canal and Banking Company in Jersey City or its agency in the city of New York; and the balance of the loan at the Merchant's Bank in the city of New York, as is more particularly specified in our report to the Auditor of Public Accounts.

Of the \$500,000 for which the state bonds were issued to the Messrs. Cohens of Baltimore, the Commissioners were by contract to draw therefor at pleasure, payable to the National Bank, New York, so that the whole was not to be drawn at less than four months from the 1st of July last, and bearing an interest of five and an half per cent. from the date of the bonds until paid. Of this nearly one third has been drawn, and the remainder is now subject to draft at pleasure.

Of the \$1,029,000 purchased by Thomas Biddle & Co. and the Morris Canal and Banking Company; the Bank loan of \$444,400 was paid over for the use of the Bank on delivery of the bonds therefor, and the remainder is payable on the draft of the Commissioners at their pleasure, at the agency of the Morris Canal and Banking Company in New York city, so that it be not drawn to average less than one year from the 1st of July last, and until paid bears an interest of five per cent. per annum.

The Commissioners also report, that on the authority of an order from the Treasurer of State, they executed and delivered to the Lawrenceburgh and Indianapolis Rail Road Company, one hundred bonds of the state, for one thousand dollars each, numbered from 1 to 100 inclusive, payable at 21 years from the 1st January, 1836, and bearing an interest of five per cent. per annum, payable semi-annually the 1st days of January and July at the banking house of the Morris Canal and Banking Company in Jersey city or its agency in the city of N. York.

With respect to future loans, it is believed that unless a considerable change shall take place in the money market for the better, the state cannot with any certainty rely on selling five per cent. stocks at par, and to secure the completion of the public works undertaken, it will probably be necessary to authorize the issue of a six per cent. stock, or the sale of five per cents at their market value.

And to enable the Board to wait for a favorable state of the market in making loans, they would recommend applying so much as necessary of the deposit received from the general government to our public works, until another loan shall justify refunding it for such purpose as the legislature may designate.

It is with pleasure the Commissioners state, that in negotiating loans, no exception has been taken to the credit of the state or the security of the stock, but the legislature will perceive, that although the Bank and the Wabash and Erie Canal loans are sufficiently secured by their own means; other provisions than the loans themselves, must be made for the payment of interest on the internal improvement loans, or that credit cannot be maintained; and in the present state of the market it



is peculiarly important that no exception be taken to the credit of the stock offered.

The commissioners also remark that it will be with the legislature to determine whether the sums taken from the Wabash and Erie canal fund, for the survey of rail roads and other canals shall be repaid out of the internal improvement fund.

We invite the attention of the legislature to the 14th section of the internal improvement law of last session, which provides that the auditor, shall receive for his increased duties, for clerk hire, a sum equal to the compensation paid by the Fund Commissioners to their Secretary. The compensation paid by the Board to their Secretary has been no other than a *per diem* compensation for the time actually employed, a rule which we cannot easily apply to the auditor; nor does the law provide by whom this or other compensation allowed the auditor shall be paid, nor in all cases out of what fund.

And lastly the Board would suggest that no provision has been made by law to compensate the Fund Commissioners for time spent in negotiating loans or other duties required under the internal improvement act of last session.

All which is respectfully submitted,

JER. SULLIVAN,	} <i>Fund Com'rs.</i>
SAML. HANNA.	
ISAAC COE,	

Mr. Vawter, from the committee on enrolled bills, made the following report:

That they have compared an enrolled bill of the Senate, No. 5, entitled "an act authorizing the Treasurer of State to receive from the Secretary of the Treasury of the United States, the amount of the surplus revenue of the United States proposed to be deposited with this State by the 13th section of an act of Congress entitled 'an act to regulate the deposits of the public money,'" with the engrossed bill, and find the same truly enrolled.

Mr. Collins presented the petition of M. W. Sellers and others, citizens of Floyd and Clark counties, praying for a road leading from N. Albany towards New Lexington in Scott county;

Which was referred to a select committee composed of Collins, Daily, and Hoagland.

Mr. Bell introduced the remonstrance of sundry citizens of Hancock county, remonstrating against the passage of a law confining the jurisdiction of Justices of the Peace to their several townships;

Which was laid upon the table.

Mr. Dunning presented the petition of sundry citizens of Monroe and Lawrence counties, praying for the relocation of the state road leading from Indianapolis to Leavenworth;

Which, on motion of Mr. Dunning, was laid upon the table.

Mr. Sigler presented the petition of sundry citizens of Putnam and Clay counties, praying an extension of the Eel river feeder to the Cross-

cut canal as high as practicable up the Walnut fork of Eel river in Putnam county;

Which was read and referred to the committee on canals and internal improvements.

Mr. Vawter proposed the following resolution, which was adopted.

*Resolved*, That the committee on roads enquire into the expediency of reporting a bill making a further appropriation of the 3 per cent. fund, in equal proportions, to all the counties in the State, both organized and unorganized.

Mr. Cole offered for adoption the following resolution:

*Resolved*, That when the Senate adjourn on Friday next, it stands adjourned until the second day of January next, the House concurring therein.

Mr. Boon proposed to amend by adding, "and all those voting for said resolution shall have no pay during the recess;" which was agreed to.

Mr. Morgan moved to insert "or against," before adjournment;

Which was not agreed to.

Mr. Moore moved to lay it on the table;

Which was not agreed to.

Mr. Stewart moved to strike out "second day of January," and insert "Monday next;"

Which was not agreed to.

Mr. Thompson of L., moved to amend by striking out from the resolving clause, and inserting the following:

"That when the Senate adjourn on the second Saturday in January, it will adjourn *sine die*, the House of Representatives concurring therein;

Which was not agreed to.

Mr. Morgan moved to postpone it until the 1st Monday in March,

And, on the question to postpone,

*Those who voted in the affirmative are.*

Messrs. Bell, Boon, Bradberry, Brady, Clark, Collins Crawford, Daily, Dobson, Dumont, Everts, Fowler, Hackett, Hoagland, Liston, Little, Milroy, Mitchell, Morgan, Plummer, Puett, Smith, Turman, and Thompson of P.—24.

*And those who voted in the negative, are,*

Messrs. Beard, Casey, Chambers, Claypool, Cole, Colerick, Conwell, Dunning, Elliott, Hamilton, Hillis, Kennedy, Sigler, Stafford, Stanford, Stewart, Thompson of L., Thompson of J., Trask, Vawter, and Walker—21.

And so the resolution was postponed.

Mr. Crawford proposed the following resolution, which was adopted.

*Resolved*, That the Governor be requested to lay before the Senate any report or other communication he may have received from the U. States Engineer employed in pursuance of a joint resolution of the General Assembly, approved January 16th, 1835, to survey a route

for a rail road from Maumee Bay on Lake Erie, to the rapids of the Illinois river, and also any report or other communication he may have received from the United States Engineers recently employed by the General Government, in the survey of a route of a rail road from Maumee Bay through the northern tiers of counties in this State, by the way of South Bend and Michigan city to the Mississippi river.

On motion of Mr. Vawter,

*Resolved*, That the Fund Commissioners be requested to furnish the Senate with any order or orders, they, as Fund Commissioners may have adopted regulating the mode, manner, or form prescribed by them to regulate the payments of drafts drawn by the Board of Internal Improvement on said fund commissioners.

The following message was received from the House of Representatives by Mr. Elliott their Clerk:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled bill of the Senate No. 5, "an act authorizing the Treasurer of State, to receive from the Secretary of the Treasury of the United States the amount of the surplus revenue of the United States, proposed to be deposited with this State by the 13th section of an act of Congress entitled 'an act to regulate the deposits of the public money,'" I am directed to bring it to the Senate for the signature of the President thereof.

The President having signed the enrolled bill No. 5, in the message mentioned, it was handed to the committee on enrolled bills to be handed to the Governor for his approval and signature.

The following resolution proposed by Mr. Turman, was adopted:

*Resolved*, That the committee on the State Library be instructed to inquire into the expediency of amending an act entitled "an act for the incorporation of public libraries," approved December 17, 1816, so as to allow the subscribers thereto to hold an election for officers of the same, when they shall have subscribed the sum of fifty dollars, and to make such other amendments as they may deem expedient.

Mr. Kennedy introduced a joint resolution and memorial of the General Assembly of the State of Indiana, No. 46, authorizing our Senators and Representatives in Congress to procure the passage of a law giving members of State Legislatures the privilege of franking.

Which was read once and passed to a second reading on to-morrow:

Mr. Thompson of L., introduced a joint resolution of the General Assembly of the State of Indiana, authorizing a call of a convention of the state of Indiana,

Which was read once and passed to a second reading on to-morrow.

The orders of the day were then taken up.

The bill of the Senate, No. 6. authorizing the election of trustees of the Pike county Library, was read a third time and passed.

The bill of the Senate, No. 3, entitled an act to amend an act to authorize certain persons therein named, to erect a dam across the St. Joseph river, approved February 6, 1836, was read a third time and passed.

The joint resolution and memorial, No. 16, relative to the passing of a pre-emption law by Congress, was read a third time and passed.

The bill of the Senate, No. 9, for the relief of James Sutfin, was read a second time, and

On motion of Mr. Dunning, considered as engrossed, read a third time and passed.

The bill of the Senate, No. 8, entitled an "act to legalize the election of probate judge in Fulton county, was read a second time and engrossed for a third reading on to-morrow.

The bill of the House of Representatives, No. 7, was read a second time and passed to a third reading.

The bill of the House of Representatives, No. 8, to legalize the assessment and collection of the state and county revenue for the year 1836, in the counties of Warrick and Spencer, was read a second time, and

On motion of Mr. Thompson of P., read a third time and passed.

The joint resolution and memorial of the Gen. Assembly of the state of Indiana, relative to the construction of a harbor at Lake Michigan, was read a second time and engrossed for a third reading on to-morrow.

The bill of the House of Representatives, No. 9, was read a second time and passed to a third reading on to-morrow.

The bill of the Senate, No. 7, was read a second time and referred to the judiciary committee.

The bill of the Senate, No. 11, was read a second time and referred to the committee on corporations.

The bill of the Senate, No. 12, was read a second time and referred to the committee on corporations, with instructions to amend it so as to provide that it shall not become a law unless the corporation consent to it.

The bill of the Senate, No. 13, entitled act for the relief of George Broadrise, was read a second time and ordered to be engrossed for a third reading.

The bill of the Senate, No. 14, entitled an act supplemental to an act to provide for a general system of internal improvement, was read a second time, and

On motion of Mr. Dunning, referred to the committee on canals and internal improvements.

The bill of the Senate, No. 15, was read a second time and ordered to be engrossed for a third reading.

The bill of the House of Representatives, No. 5, was read a second time and passed to a third reading.

The bill of the House of Representatives, No. 18, was read a second time and referred to the committee on canals and internal improvements.

The bill of the Senate, No. 17, to provide for the payment of postage, was read a second time, and on the question shall it be engrossed for a third reading,

*Those who voted in the affirmative are,*

Messrs. Boon, Bradberry, Brady, Casey, Chambers, Colerick, Dumont, Dunning, Elliott, Everts, Hackett, Hillis, Hoagland, Liston, Milroy, Moore, Morgan, Plummer, Sigler, Stanford, Stewart, Thompson of P., and Vawter—24.

*Those who voted in the negative are,*

Messrs. Bell, Clark, Conwell, Daily, Dobson, Ewing, Fowler, Hamilton, Puett, Smith, Thompson of L., Thompson of J., Trask, and Walker—14;

And so the bill was engrossed.

Mr. Vawter from the committee on enrolled bills, made the following report:

Mr. Vawter from the joint committee on enrolled bills, report that they did this day present to His Excellency the Governor, for his approval and signature, An enrolled bill of the Senate, No. 5, entitled an act authorizing the Treasurer of State to receive from the Secretary of the Treasury of the United States the amount of the surplus revenue of the United States proposed to be deposited with this state, by the 13th section of an act of Congress, entitled "an act to regulate the deposits of the public money."

The following message was received from His Excellency the Governor, by Mr. Maguire his Secretary.

MR. PRESIDENT—

His Excellency the Governor, did, on this day approve and sign an act entitled, "An act authorizing the Treasurer of State to receive from the Secretary of the Treasury of the United States, the amount of the surplus revenue of the United States, proposed to be deposited with this state by the 13th section of an act of Congress, entitled 'an act to regulate the deposits of the public money.'"

On motion, the Senate adjourned.

THURSDAY, DECEMBER 22, 1836.

The Senate assembled.

On motion of Mr. Dobson,

The memorial of the citizens of Spencer, was taken from the table and referred to the committee on canals and internal improvements.

Mr. Dumont from the education committee, to whom was referred a bill to incorporate the Trustees of Indiana University, reported the bill back with sundry amendments;

Which were agreed to, the bill read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Bell moved to reconsider the vote taken on the following resolution, which was agreed to.

*Resolved*, That when the Senate adjourn on Friday next, it stands adjourned until the second day of January next, the House of Representatives concurring therein.

And on the question shall the resolution pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Chambers, Claypool, Cole, Colerick, Conwell, Dunning, Elliott, Fowler, Hamilton, Hillis, Hoagland, Kennedy, Morgan, Sigler, Stanford, Thompson of L., Thompson of J., Trask, Vawter and Walker—22.

*And those who voted in the negative are,*

Messrs. Boon, Bradbury, Brady, Casey, Clark, Collins, Crawford, Daily, Dobson, Dumont, Everts, Ewing, Hackett, Liston, Little, Milroy, Mitchell, Moore, Plummer, Puett, Smith, Stafford, Stewart, Turman and Thompson of P.—25.

And so the resolution was not adopted.

The following communication was received from the Governor by Mr. Maguire his Secretary:

EXECUTIVE DEPARTMENT, }  
22d Dec. 1836. }

I submit for the consideration of the Senate the name of John A. Graham, Esq. of Warrick county, as a member of the Board of Internal Improvement, for the line of the Central Canal.

N. NOBLE.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Plummer moved to re-consider the vote taken in the forenoon on a resolution to adjourn from Friday next until the second day of January next;

*Those who voted in favor of a re-consideration of the vote are,*

Messrs. Beard, Bell, Bradberry, Chambers, Claypool, Cole, Colerick, Conwell, Dobson, Dunning, Elliott, Fowler, Hamilton, Hillis, Kennedy, Mitchell, Moore, Morgan, Plummer, Sigler, Stanford, Thompson of L., Thompson of J., Trask, Vawter and Walker—26.

*Those who voted in the negative were,*

Messrs. Boon, Brady, Casey, Clark, Collins, Crawford, Daily, Dumont, Everts, Ewing, Liston, Little, Milroy, Puett, Smith, Stewart, Terman and Thompson of P.—19.

And so the vote was re-considered.

Mr. Smith moved to amend the resolution by a proviso:

That no legislative day during the recess shall be considered a part of this session;

Which was not agreed to.

Mr. Fowler moved to amend by inserting the 27th inst. instead of Friday next;

Which was not agreed to.

And on the question shall the resolution be adopted?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Bradbury, Chambers, Claypool, Cole, Colerick, Conwell, Dunning, Elliott, Fowler, Hamilton, Hillis, Kennedy, Mitchell, Morgan, Plummer, Sigler, Stanford, Thompson of L., Thompson of J., Trask, Vawter and Walker—24.

*Those who voted in the negative are,*

Messrs. Boon, Brady, Casey, Clark, Collins, Crawford, Daily, Dobson, Dumont, Everts, Ewing, Hackett, Hoagland, Liston, Little, Milroy, Moore, Puett, Smith, Stewart, Turman and Thompson of P.—22.

And so the resolution was adopted.

On motion of Mr. Morgan, the following resolution was adopted:

*Resolved,* That the Board of Internal Improvement be requested to inform the Senate whether any of the rules, regulations or restrictions made or established by the commissioners of the canal fund under the provisions of the 13th section of an act entitled an act to provide for a general system of internal improvement, are calculated to embarrass the board of internal improvement or retard the progress of the public works.

On motion of Mr. Hillis, the following resolution was adopted:

*Resolved,* That the committee to whom was referred that part of the Governor's message relative to the surplus revenue, be instructed to inquire into the expediency of loaning said fund in the several counties in this state upon the same principle that the college fund is now loaned, and that they inquire into the propriety of appointing some suitable person in each of the counties to investigate the titles of land, take mortgages, &c., and that the interest arising from said fund be applied to the payment of the interest on the public debt.

On motion of Mr. Hoagland, the following resolution was adopted:

*Resolved,* That the select committee to which was referred the subject of the distribution of the surplus revenue allowed to this state by an act of Congress, be instructed to inquire into the expediency of reporting a bill making an equal distribution thereof to the several coun-

ties in this state according to their several populations, to be loaned or applied to the purposes of education, under the direction of the boards doing county business: *Provided*, That the board doing county business in each county in this state shall appoint suitable and responsible persons as commissioners to receive and receipt to the Treasurer of State therefor, and give satisfactory assurance to refund the amount to the state when called for.

On motion of Mr. Dumont, the following resolution was adopted:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of so changing the system of internal improvements, as to provide for the opening and construction of from one to three of the most prominent public works as speedily as practicable; and that expenditures on all others be suspended until such work or works are completed, or until they are in such a state of advancement as to admit of the commencement of other works without being burthensome to the people in the way of taxation, or oppressive to the agricultural interests of the state by increasing the price of labor to an immoderate degree. And also prospectively to extend the system, so as to provide for all portions of the state now unprovided for, so far as may be consistent with justice and public good.

On motion of Mr. Stafford,

*Resolved*, That a select committee be appointed to fix the time of holding courts in the fifth judicial circuit, with leave to report, &c.

*Ordered*, That Messrs. Stafford, Little, and Thompson of J. be said committee.

On motion of Mr. Conwell,

*Resolved*, That the committee on the State Bank inquire into the expediency of making the necessary provisions for the state to subscribe and pay for her part of the stock in such of the Branches as have or shall increase the stock as provided at the last session of the legislature, with leave to report by bill, &c.

On motion of Mr. Stewart,

The Senate resumed with closed doors, the consideration of the communication of the Governor in reference to a member of the state board of internal improvement.

Mr. Stewart offered for adoption the following resolution:

*Resolved*, That the Senate do advise and consent to the nomination of John A. Graham of Warrick county, as a member of the board of internal improvement;

Which was laid upon the table; and

On motion, the Senate adjourned.



FRIDAY, DECEMBER 23, 1836.

The Senate assembled.

The president laid before the Senate the following report from the Canal Fund Commissioners, which

On motion of Mr. Clark, was laid upon the table.

OFFICE OF THE CANAL FUND COMMISSIONERS, }  
Indianapolis, Dec. 22, 1836. }

NOB. DAVID WALLACE,  
*President of the Senate:*

SIR—

In compliance with a resolution of the Senate of the 21st inst., "requesting the Fund Commissioners to furnish the Senate with any order or orders they as fund commissioners may have adopted, regulating the mode, manner, or form prescribed by them to regulate the payment of drafts drawn by the board of internal improvement on said fund commissioners;" we enclose the accompanying extract from the minutes of the board of fund commissioners, which we request you to communicate to the Senate.

The resolutions were passed, in accordance, as we supposed, with the spirit of the 13th section of the act of the 27th of January, 1836, to provide for a general system of internal improvement in Indiana, to which we invite the attention of the Senate.

We have the honor to subscribe ourselves,  
with respect, &c.,

JER. SULLIVAN, }  
SAM'L HANNA, } *Fund Com'rs.*  
ISAAC COE, }

#### EXTRACT.

At a meeting of the board of Canal Fund Commissioners, held in the city of New York on the 27th day of August, 1836, the board proceeded to take into consideration the best means of supplying the Board of Internal Improvement with funds to carry on the different works in progress, and about to be commenced in the state of Indiana, and after some conversation, the following preamble and resolutions were adopted, viz:

*Whereas*, The number of public works authorized by the legislature, for which separate appropriations are made and requiring separate accounts to be kept of the operations of each, will require great accuracy in keeping the several accounts—and as it is made the duty of the Fund Commissioners to prescribe such rules and regulations for drawing money by the Board of Internal Improvement as shall be necessary for its security and proper application, and also to audit the accounts of its expenditure, and report annually to the legislature, and remi-annually to the Auditor of public accounts; therefore,

*Resolved*, That to enable the Fund Commissioners to make those re-

ports, and to ascertain the proper application of the funds (if suitable arrangements can be made with the several Branch Banks of Indiana), all moneys expended for each of the several works be paid by the Bank nearest thereto on the draft of the member of the Board having charge of the work, drawn on the Fund Commissioners; and that every draft in favor of a contractor be accompanied by the estimate; and for other expenditures by an account thereof properly receipted; and that all accounts drawn for any kind of salary, *per diem*, or labor, specify the time and exact date for which it is drawn, and that the receipt of the drawer be (when the draft is paid) attached to each draft.

2d. That at the close of each month, the Fund Commissioners will, on receiving said drafts and vouchers, with a statement of the accounts from the proper bank, give to it a draft for the amount so disbursed, on New York, payable in sixty days from the close of the month.

3d. That at the close of each month the member of the Board of Internal Improvement having charge of any work, be requested to transmit to the office of the Fund Commissioners at Indianapolis, a statement of the drafts drawn during the month, together with a statement of the names of all persons who are for that month entitled to pay *per diem*, or otherwise, with the time and date for which they are so entitled, that it may be a document with which to compare the drafts received from the bank previous to charging them to the work, and that if practicable, all drafts be so drawn as to be presented and paid during the month in which they are drawn.

On motion of Mr. Hillis, leave of absence was granted to Mr. Kennedy.

On motion of Mr. Beard, leave of absence was granted to Mr. Stafford.

On motion of Mr. Baird, leave of absence was granted to Mr. Cole.

Mr. Dunning presented the petition of sundry individuals, citizens of Monroe and Lawrence counties, praying an additional appropriation to build a bridge across Big Salt creek at Long's ferry,

Which was referred to a select committee composed of Messrs Dunning, Thompson of L., and Thompson of P.

Mr. Dunning presented the petition of sundry citizens of Monroe county praying for the relief of Jesse Wright,

Which was referred to the committee on claims.

Mr. Thompson of L., from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate instructing an inquiry into the expediency of authorizing married females under the age of twenty-one years to join with their husbands in the conveyance of real estate, and to relinquish their right of dower to all lands of which her husband was possessed previous to their marriage, or such as they may have acquired after their mar-

riage, either by purchase or gift, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The judiciary committee were discharged, and the resolution referred to a select committee composed of Messrs. Liston, Beard, and Conwell.

Mr. Thompson of L., made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred the resolution of the Senate instructing an inquiry into the expediency of passing a law requiring all persons who may apply for license to retail ardent spirits, (inkeepers excepted), to procure a majority of the house-holders of the town or township to certify to the necessity of issuing such license, and that incorporated towns shall be considered as belonging to the townships respectively in which they are situated; and that the county board shall not grant a license to keep a grocery, or to vend ardent spirits for a less sum than twenty dollars, have instructed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

On motion of Mr. Dumont, the above referred to resolution was referred to a select committee composed of Messrs. Plummer, Little and Milroy.

Mr. Vawter, from the joint committee on enrolled bills, report that said committee have compared the engrossed bills which originated in the House of Representatives, entitled "an act to legalize the assessment and collection of the State and county revenue for the year 1836, in the counties of Warrick and Spencer;" also "an act to legalize the election of probate judge in Porter county," and find the same truly enrolled.

Mr. Thompson of L., from the judiciary committee made the following report:

MR. PRESIDENT—

The committee on the judiciary to which was referred the resolution of the Senate instructing an inquiry into the expediency of amending "an act regulating crimes and punishments," approved February 10, 1831, so as to fine all persons who shall wilfully and maliciously slander another, in any sum not exceeding five hundred dollars, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were discharged from a further consideration of the subject.

Mr. Thompson of L., from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate instructing an inquiry into the expediency of so amending an act entitled "an act relative to crime and punishment," approved Feb. 10, 1831, so as to make it felony punishable by confinement in the state prison, knowingly to barter or sell, to any person or persons any counterfeit or forged bank bills, on any of the banks within the United States, have directed me to report the following bill:

The bill No. 48, entitled "an act to amend an act relative to crimes and punishments," approved February 10, 1831,

Was read a first time and passed to a second reading on Monday next.

Mr. Thompson of L., from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate instructing an inquiry into the expediency of authorizing plaintiffs and defendants, in suits at law, in the circuit courts in action of assumpsit and debt, to require the opposite party to answer under oath under similar or other restrictions and provisions as in courts of justices of the peace, have instructed me to report the following bill:

The bill No. 49, entitled "an act regulating the practice in suits at law," approved January 29th, 1831, was read a first time and passed to a second reading on Monday next.

Mr. Thompson of L., from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a joint resolution of the Senate, entitled "a joint resolution authorizing the Judges of the Supreme Court to compile and digest the laws," have directed me to report to the Senate that they recommend that the same be stricken out from the resolving clause, and the following be inserted:

The joint resolution No. 41, entitled "a joint resolution authorizing the Supreme Judges to compile and digest the state laws, was reported back amended; which amendments were concurred in and the resolution ordered to be engrossed for a third reading.

Mr. Thompson of L., from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate instructing an inquiry into the expediency of so amending the law, as for each county to elect their 3 per cent. fund agent on the first Monday in August, to serve for the term of one year; the agent

so elected giving security &c., have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee was discharged from the further consideration of the subject.

Mr. Thompson of L., from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate, instructing an inquiry into the expediency of so amending the law regulating the fees of Justices of the Peace, as to allow them *twenty-five cents* for issuing writs of *scire facias* and *renditioni exponas*, and also reducing their fees on issuing subpœnas to *twelve and a half cents*, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were discharged from the further consideration of the subject.

Mr. Thompson of L., from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred the resolution of the Senate instructing an inquiry into the expediency of extending the provisions of the 9th section of an act entitled "an act regulating the jurisdiction and duties of Justices of the peace," approved February 10th, 1831, to persons imprisoned for the non-payment of a fine or costs, assessed by the circuit court, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Thompson of L., from the judiciary committee, made the following report:

MR. PRESIDENT--

The judiciary committee to whom was referred the bill of the Senate, No. 7, entitled "a bill to amend an act subjecting real and personal estate to execution," approved February 4th, 1831, have directed me to report to the Senate for their adoption, the following amendments:

- 1st. In the 4th line insert the words "or Justices of the Peace."
- 2d. In the 6th line, the words "or Justice."
- 3d. In the 10th line, the words "or Justice."
- 4th. In the 15th line, the words "or Justice."
- 5th. In the 17th line, the words "or if before a Justice of the Peace, as in other cases."

6th. Strike out the 3d section.

The bill No. 7, entitled "a bill to amend an act subjecting real and personal estate to execution," approved February 4th, 1831, was reported back amended by the judiciary committee to whom it was referred; which, with the amendments of the committee, was laid upon the table.

Mr. Moore proposed for adoption, the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn until Monday next.

*Those who voted in the affirmative are,*

Messrs. Beard, Bradbury, Casey, Chambers, Dunning, Elliott, Everts, Hillis, Moore, Sigler, Turman, Thompson of P., Thompson of L., Thompson of J., and Vawter—15.

*And those who voted in the negative are,*

Messrs. Bell, Boon, Brady, Clark, Claypool, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Ewing, Fowler, Hackett, Hoagland, Little, Liston, Milroy, Mitchell, Morgan, Plummer, Puett, Smith, Stanford, Stewart, and Walker—27.

And so the resolution was not adopted.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Collins, from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate directing them to inquire into the expediency of passing an act declaratory of the laws now in force on the subject of granting license to vend foreign merchandize and retail spirituous liquors, and subjecting to an indictment the person or persons failing to procure such license, have had the same under consideration, and directed me to report the following bill:

The bill No. 50, entitled "an act declaratory of the laws now in force on the subject of granting license to vend foreign merchandise and to retail spirituous liquors, was read once and passed to a second reading on to-morrow.

Mr. Milroy proposed the following resolution, which was adopted:

*Resolved*, That the Treasurer of State be requested to report to the Senate the actual amount of the three per cent. fund expended in each county respectively, in addition to the sum appropriated to the several counties as near as practicable, also the amount of that fund

appropriated to the improvement of the Wabash river, showing the counties from which the Wabash improvement fund was taken.

On motion of Mr. Conwell, the following resolution was adopted:

*Resolved*, That the auditor of public accounts be requested to lay before the Senate a statement of the expenditures, as returned to his office, that have been made for the purposes of canals and internal improvements, since the passage of the act, approved January 27, 1836, specifying the amount that has been applied to each particular route of the public works; and further, to inform the Senate what amount of canal funds are at this time unappropriated and to what purpose such unappropriated funds are employed: If loaned out, to whom and how secured, at what interest and when to be paid.

On motion of Mr. Vawter, the following resolution was taken from the table.

*Resolved*, That the Senate do advise and consent to the nomination of John A. Graham of Warrick county, as a member of the board of internal improvement;

On this question,

*Those who voted in the affirmative, are*

Messrs. Beard, Bell, Boon, Bradberry Brady, Casey, Chambers, Clark, Claypool, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hillis, Hoagland, Liston, Little, Milroy, Mitchell, Plummer, Puett, Sigler, Smith, Stewart, Turman, Thompson of P., Thompson of L., Trask and Vawter—37.

No one voting in the negative, the nomination was confirmed.

*Ordered*, That the Secretary inform the Governor of the action of the Senate on said nomination.

On motion of Mr. Claypool,

The message of the Governor on the subject of fund commissioner was taken from the table.

Mr. Clark proposed for adoption the following resolution:

*Resolved*, That the Senate do advise and consent, to the nomination and appointment of Isaac Coe, to the office of fund commissioner;

On this question,

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Colerick, Collins, Conwell, Crawford, Dobson, Dumont, Dunning, Everts, Ewing, Fowler, Hackett, Hillis, Liston, Little, Milroy, Mitchell, Moore, Morgan, Plummer, Sigler, Smith, Stewart, Turman, Thompson of P., Thompson of L., Trask and Vawter—35.

*And those who voted in the negative, are,*

Messrs. Boon, Daily, Elliott, Hoagland, and Puett—5.

And so the nomination was confirmed.

*Ordered*, That the Secretary inform the Governor of the action of the legislature on said nomination.

On leave granted, Mr. Claypool introduced a joint resolution of the General Assembly, entitled a joint resolution relative to the late Treasury circular requiring specie payments for the public lands;

Which was read once and passed to a second reading on to-morrow.

On motion of Mr. Morgan, leave of absence was granted to Mr. Stafford.

On leave granted, Mr. Colerick introduced a joint resolution, No. 52, entitled a joint resolution relative to the publication of a certain law;

Which was read once; and

On motion of Mr. Crawford, the rule of the Senate was dispensed with, and the joint resolution read a second time; and

On motion of Mr. Everts, the rule further dispensed with, the resolution read a third time and passed.

On motion of Mr. Ewing, the following resolution was adopted:

*Resolved*, That the principal Engineer or the acting commissioner on that part of the Wabash and Erie Canal which passes through Carroll county, be requested and he is hereby instructed to submit to the Senate, his views on the subject of constructing a lock at or near the pool dam, near Ballard's bluff on the Wabash river, and such other information as to the probable cost and practicability of the same, and that he report the same at as early a period as practicable.

Mr. Sigler offered for adoption the following resolution:

*Resolved*, That when the Senate adjourns, it will adjourn to meet again on Monday next at the usual hour.

On this question,

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Casey, Chambers, Clark, Collins, Daily, Dobson, Dunning, Elliott, Everts, Ewing, Hillis, Hoagland, Liston, Moore, Plummer, Puett, Sigler, Smith, Stewart, Turman, Thompson of P., Thompson of L. and Vawter—27.

*Those who voted in the negative are,*

Messrs. Bell, Claypool, Colerick, Conwell, Crawford, Dumont, Fowler, Hackett, Little, Milroy, Mitchell, Morgan, and Trask—13.

On motion,

The Senate adjourned.



MONDAY, DECEMBER 26, 1836.

The Senate assembled.

The President laid before the Senate the following communication from the Treasurer of State; which,

On motion, was laid upon the table and two hundred copies ordered to be printed.

TREASURER'S OFFICE, }  
Indianapolis, Dec. 26, 1836. }

HON. DAVID WALLACE,

*President of the Senate:*

In obedience to a resolution of the Senate of Dec. inst., the undersigned submits the following statement in relation to the three per cent. fund.

There has been appropriated to 56 roads and 10 rivers the sum of \$119,536 08, which has all (except the sum of \$19 82) been paid over to the proper commissioners. These roads and rivers run through, and on the lines of various counties. What portion has been expended in each, or any one county, cannot be ascertained from the books or papers in this office. In order that the Senate may arrive, as near as possible, at the information sought in the resolution, the following table, containing the number of, and description of each road and river and name of commissioner, is submitted; together with a list of counties from which the Wabash improvement fund was taken, and the amount taken from each. The amount that has been specially appropriated to each county is fully set forth in my Annual Report, communicated to the Senate on the 8th inst.

Respectfully,

N. B. PALMER,

*Agent 3 per cent. fund.*

<i>No. of Road or River.</i>	<i>Names of Commissioners.</i>	<i>Amount ap- propriated.</i>	<i>Description of Road or River.</i>
2	John I. Neely,	6,777 38	From Evansville to Terre Haute.
3	A. Campbell,	2,708 87	Wabash to Petersburg.
4	Andrew Cavitt,	2,709 57	Springfield to Princeton.
5	Isaac Montgomery,	3,079 24	Boonville to Petersburg.
6	Wm. McCormick,	4,923 93½	Washington to Indianapolis.
7	M. Buskirk,	4,835 01	Rockport to Bloomington.
8	E. Blackwell,	7,563 69	Horse-shoe Bend to Indianapolis.
9	Richard Beem,	8,506 96	Mauk's ferry to Indianapolis.
10	Wm. Richards,	2,674 00	New-Albany to Bono.
11	J. G. Clendenin,	4,990 63	New-Albany to Vincennes.
12	Geo. White,	2,712 23	Jeffersonville to Flumer's.
13	J. M. Lemmon,	3,250 80	M'Donald's ferry to Brownstown.
14	Gara Davis,	3,033 80	Bethlehem to Muscagetuck.
15	W. C. Bramwell,	5,750 57	Madison to Indianapolis.
16	Simeon Slawson,	3,166 62	Vevay to Versailles.
17	John Walker,	6,333 33	Lawrenceburgh to Indianapolis.
18	Davi d Mount,	3,862 44	Brookville to Indianapolis.
19	S. Royster,	3,842 40	Connersville to Indianapolis.
20	J. C. Kibby,	4,192 75	Centreville to Indianapolis.
21	John Way,	2,672 56	Winchester to Indianapolis.
22	James Blake,	897 36½	Indianapolis to Terre-Haute.
23	John Barricklow,	1,000 00	Rising Sun to Versailles.
24	F. F. Sawyer,	437 07½	to Washington, Daviess county.
25	Wabash fund,	4,675 86	Improvement Wabash River.
26	R. M'Intyre,	441 32½	to Bono.

27	Geo. Ewing,	2,413	25	From	Prairie creek to Spencer.
28	James Ball,	1,009	37	"	Franklin to Indianapolis.
29	W. Sanders,	1,738	35	"	Indianapolis to Fort Wayne.
30	W. Caswell,	550	00		
31	W. Polke,	114	00		
32	R. Bates and A. Warner,	1,000	00	"	Fredonia to Wabash river.
33	Rezin Davis,	1,506	92	"	Rushville to Indianapolis.
34	Chester Elliott,	50	00	"	Opposite V. banks to Princeton.
35	W. H. Heath,	1,240	00	"	Crawfordsville to Indianapolis.
36	M. Shorthridge,	1,149	00	"	New-Castle to Lafayette.
37	Geo. Pearcy,	1,066	77½	"	Indianapolis to Montezuma.
38	James M'Farland,	1,000	00	"	Indianapolis to Lafayette.
39	Elias Paster,	100	00	"	Rushville to Lawrenceburgh.
40	Adam Shoemaker,	330	00	"	New-Albany to Princeton.
41	J. John,	50	00	"	Abington to Connersville.
42	James Barnet,	250	00	"	Fort Wayne to Ohio state line.
43	Jacob Andrick,	500	00	"	Crawfordsville to Illinois do.
44	John Denny,	1,000	00	"	Greensburg to Illinois do.
45	A. Robinson,	1,500	00	"	Bono to Lafayette.
46	Thomas Gillman,	200	00	"	Michigan Road to Delphi.
47	Joseph Potts,	500	00	"	Greencastle to Springfield.
48	Thomas Craner,	1,000	00	"	Richmond to Logansport.
49	David Heaton,	800	00	"	New-Castle to Crawfordsville.
50	John M'Cullough,	500	09	"	Terre-Haute to Crawfordsville.
51	M. Gosney,	740	00	"	Shelbyville to Andersontown.
52	W. M'Creery,	1,500	00	"	Lafayette to Fort Wayne.
53	Charles Martin,	100	00	"	Cline's to Lawrenceburgh road.
54	Wm. Dickey,	100	00	"	Rushville to Dubois' mill.
55	A. Cavitt,	125	00	"	Mount Vernon to Collins' ferry.

<i>No. of Road or River.</i>	<i>Names of Commissioners.</i>	<i>Amount appro- pated.</i>	<i>Description of Road or River.</i>
56	Adam Wright,	300 00	Bridge over Fall creek, Marion county.
<i>Rivers.</i>			
1	S. Cobb,	300 00	On Lost river Orange county.
2	J. Baugh,	200 00	" Salt creek Lawrence county.
3	Hugh Moore,	500 00	" Muscackituck Jackson county.
4	John Hackleman,	200 00	" White Water.
5	J. Goodlander,	225 00	" "
6	John Norris,	175 00	" "
7	S. Duckworth,	100 00	" Big creek Posey county.
8	J. Alexander,	100 00	" Patoka creek Gibson county.
9	J. Risley,	300 00	" Eel river Clay county.
10	Orson Willard,	150 00	" Busseron creek Sullivan county.
		<u>\$119,536 08</u>	

The amount of three per cent. fund taken from sundry counties, for the improvement of the navigation of the Wabash river, by the acts of 1834, is as follows:

From the county of	Knox,	-	-	\$600 00
"	"	Sullivan,	-	600 00
"	"	Vigo,	-	600 00
"	"	Parke,	-	600 00
"	"	Vermillion,	-	600 00
"	"	Fountain,	-	600 00
"	"	Warren,	-	600 00
"	"	Tippecanoe,	-	600 00
"	"	Carroll,	-	600 00
"	"	Cass,	-	500 00
"	"	Miami,	-	200 00
"	"	Huntington,	-	112 50
"	"	Wabash,	-	112 50
"	"	Allen,	-	112 50
"	"	Clinton,	-	112 50
"	"	Montgomery,	-	112 50
"	"	Putnam,	-	112 50
"	"	Clay,	-	112 50
"	"	White,	-	112 50
				<hr/>
				\$7,000 00
				<hr/>

The President laid before the Senate the following communication from the State Board of Internal Improvement, which was referred to the standing committee on canal fund.

OFFICE STATE BOARD INT. IMP.,  
Indianapolis, 24th Dec., 1836. }

*To the Honorable,  
the Senate of the State of Indiana:*

In obedience to a resolution of the Senate of the 22d instant, requesting to be informed by this board, whether "the rules, regulations, or restrictions, prescribed by the board of fund commissioners, in virtue of the 13th section of the 'act to provide for a general system of internal improvement,' are calculated to embarrass the board of internal improvement, or retard the progress of the public works," the board would respectfully submit the following exposition:

At the time of the organization of this Board, in March last, application was made to the only fund commissioner then at Indianapolis, and an arrangement made through him for drawing money as it might be wanted for public surveys and works; which arrangement has been practised under up to this time, without any interruption, except in the single case of the acting commissioner on the White Water canal.

At the meeting of this Board in October following, certain regulations of the Board of Fund Commissioners, which purport to have been adopted by them, August 27, 1836, were laid before it. By these regulations it is required that all moneys expended for the several works, be paid by the bank nearest to each, on the draft of the acting commissioner, accompanied by an estimate, in case of a contractor, or in other cases by accounts receipted. To this requirement this Board objected, as persons engaged upon the lines, frequently at a distance from any bank, would find it intolerably inconvenient to go to one, for the sums which from time to time might be due to them; and it would be attended with a loss of time ruinous both to the individuals and the public interest. From the nature of the service, payments must frequently be prompt, and delay is incompatible. In the locating service, where parties have to take the field with camp equipage, and in their daily excursions provide themselves as they go along with the necessities of life, for the numerous emergencies incident to the service, a check upon a distant bank would be an uncertain passport, and for some items not worth the trouble of taking it there. Sometimes an acting commissioner might want to purchase land for the State, as authorized by law; and if it should be from the General Government, the money must be advanced, or if from an individual, the advance might be no less necessary; more especially if it be at a remote point upon the lines. Sometimes he might want to make a small advance to a contractor whom he knows to be honest and faithful, but who has met with some misfortune, and who, without such aid, might break down and have to abandon his work, much to the injury of the public service; and sometimes he might find it necessary to justice, humanity and the public interest, to exclude the contractor altogether, take upon himself the responsibility of paying the laborers on his division of work, which the contractor may have transferred with a view to defraud them. Nothing is more essential to the successful progress of the public works, than for the laborers engaged upon them, to know that the commissioners will see them paid.

These are some of the numerous instances which might be advanced, to show that this regulation of the Fund Commissioners is incongruous—not adapted to the nature of the service and at war with the public interest. To practice upon it would embarrass the acting commissioner, might put a stop to the public work, and would certainly draw down upon him odium and unjust censure.

Another light in which this regulation may be contemplated is not a little unpleasant. The estimate or other vouchers must go with the check of the acting commissioner, and there be inspected, and in a manner audited by the bank officer before the check be paid; and then the acting commissioner can exercise no kind of authority as to the kind of money paid to the person he has employed, however unacceptable it may be to him. This would be subjecting the members of this Board to the authority of the banks and the Fund Commissioners both, and be placing them in a condition not in character with the high responsibilities confided to them.

By the same regulations the members of this board are further required, at the close of each month, to transmit to the Fund Commissioners at Indianapolis, a statement of the drafts drawn during that month, and of all persons entitled during that month, to any pay for per diem salary, or other labor, and the time and rate for which they are so entitled. It is very evident that this requirement would take up so much time, that the acting commissioner would be transformed into an accountant exclusively, and when the public interest required him to be upon the line, superintending and directing, he would find it necessary to be in his office, preparing statements and accounts for the satisfaction of the Fund Commissioners; and the difficulty of this task would be greatly magnified, when it is considered that the same acting commissioner may have assigned to him separate lines at remote points—for instance, at the Wabash & Erie Canal, and at the Grand Rapids.

The Board will finally observe, that on yesterday the Board of Fund Commissioners sent to this Board another set of regulations, modifying the former ones, and making them much less exceptionable; and, although the Board still apprehends that, in practice, these modified regulations will be productive of embarrassment, yet with a view to good feeling and harmony between the two Boards, this Board has this day come to the conclusion to accept them, so far as to give them a fair trial.

Respectfully submitted, by order of the State Board of Internal Improvement.

D. H. MAXWELL,  
*Pres't Board.*

On motion of Mr. Crawford, the petition of certain individuals praying a change in the name of the town of Goshen, was taken from the table; and with a remonstrance to the same, presented by the same individual, referred to a select committee composed of Messrs. Crawford, Liston, and Colerick.

Mr. Everts presented the petition of John H. Jones and others relative to a harbor on Lake Michigan,

Which was referred to a select committee composed of Messrs. Everts, Liston, and Colerick.

The following message was received from the House of Representatives, by Mr. Elliott their clerk.

MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives,

No. 5—An act to legalize the election of a probate judge in Porter county;

No. 8—An act to legalize the assessment and collection of the state and county revenue for the year 1836, in the counties of Warrick and Spencer.

I am directed to bring them to the Senate for the signature of the President thereof.

The House of Representatives has passed engrossed bills of the House of Representatives of the following titles, to-wit:

No. 19—An act to incorporate the Lawrenceburgh Savings Institution.

No. 24—An act to incorporate the Eel river and Michigan Road Bridge Company;

No. 29—An act to incorporate the Madison and Lawrenceburgh Hotel Companies.

No. 32—An act to amend an act to incorporate the Jeffersonville and New Albany canal company;

No. 35—An act to incorporate the Milton saving's institution; and

No. 41—An act legalizing the assessment of the revenue in the county of Martin;

In which the concurrence of the Senate is requested.

The President having signed bills Nos. 5 and 8 in the message mentioned, they were handed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

The bills of the Senate Nos. 19, 24, 29, 32, 35, and 41, were severally read a first time and passed to a second reading on to morrow.

Mr. Milroy presented the petition of Thomas Ewing and others, petitioning for a state road leading through the counties of Clinton and Carroll, making Rossville a point; which,

On of Mr. Milroy, was referred to a select committee.

*Ordered*, That Messrs. Milroy, Everts, Liston and Ewing be said committee.

Mr. Thompson of L. from the judiciary committee, made the following report:

MR. PRESIDENT--

The judiciary committee to whom was referred the resolution of the Senate, instructing them to inquire what amendments, if any, are necessary to an act entitled "an act regulating prisons and prison bounds" approved Dec. 22, 1823, and also into the propriety of so amending the 12th section of an act entitled "an act for the relief of insolvent debtors," approved Feb. 9, 1831, that no person shall be discharged from the jail bounds, by making the oath as contemplated by said section, unless the affiant first comply with the requisitions of the provisions of the 1st section, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Thompson of L. from the judiciary committee, made the following report:



MR. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate, instructing an inquiry into the expediency of allowing fees to constables for advertising property for sale, taken by virtue of execution, and mileage for travelling to the place of sale, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

*Ordered,* That the committee be discharged.

Mr. Vawter from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report that they did this day present to his excellency the Governor for his approval and signature, the following enrolled bills, viz:

A bill No. 5 of the House of Representatives, entitled an act to legalize the election of a probate judge in Porter county;

Also a bill No. 8 of the House of Representatives, entitled an act to legalize the assessment and collection of the state and county revenue for the year 1836 in the counties of Warrick and Spencer.

Mr. Thompson of L. from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a resolution of the Senate, instructing an inquiry into the expediency of so amending the act entitled "an act organizing probate courts and defining the powers and duties of executors, administrators and guardians," approved Feb. 10, 1831, as to authorize the judge to take acknowledgments of deeds made by order of said courts in term time, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

*Ordered,* That the committee be discharged.

Mr. Liston from the judiciary committee, now reports:

MR. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate, instructing said committee to report a bill amendatory of the several acts regulating writs of foreign and domestic attachment so as to authorize the different courts throughout the state of Indiana, to issue alias writs of attachment where it may become necessary, have directed me to report the following bill:

The bill No. 53, entitled an act amendatory of the several acts now in force, regulating writs of foreign and domestic attachment, was read once and passed to a second reading on to-morrow.

Mr. Liston from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate, instructing said committee to inquire into the expediency of providing by law for the appointment of an attorney general, have had the same under consideration and have instructed me to report a bill.

The bill No. 54, entitled an act providing for the appointment of an attorney general, was read a first time and passed to a second reading on to-morrow.

Mr. Plummer from a select committee to whom was referred a resolution of the Senate, relative to licensing retailers of ardent spirits, now report a bill No. 55;

Which was read once and passed to second reading on to-morrow.

The President announced the following gentlemen to constitute the select committee, to whom was referred a resolution of the Senate relative to the reserved sections of land on the line of the Wabash and Erie canal, viz: Messrs. Conwell, Colerick, Ewing, Trask, Liston, Daily and Morgan.

Mr. Thompson of P., on leave granted, laid before the Senate the report of the Leavenworth and Bloomington rail road company;

Which was read, laid on the table and two hundred copies ordered to be printed.

*To the Honorable the Senate and House of Representatives of the State of Indiana, in Indianapolis assembled:*

GENTLEMEN—

The act incorporating the Leavenworth and Bloomington rail road company, makes it the duty of the corporation to report annually to the Legislature a correct statement of the amount of expenditures and the amount of profits, after deducting all expenditures.

In compliance with the foregoing stated requisition, the Board of Directors very respectfully submit the following as that report—

Since the report to the last Legislature, of January 1836, the company have neither expended any amount of money or received any amount of profit, neither has any amount of profit accrued at any time as yet. The reasons why, will be seen in the following stated interference, by the last Legislature, with the vested rights of the company, which is very respectfully submitted for the consideration and action of your honorable body.

The act incorporating the company, was approved February 1st, 1834. During the ensuing year the directors met, organized the Board and made such arrangements to progress with the work as its nature would justify, as may be seen in the report of the President of the

Board to the Legislature of 1834-5. That Legislature ordered a number of surveys to be made, at the expense of the State, preparatory to commencing a system of internal improvement. Among that number were the routes of several incorporated companies. The route of the Leavenworth and Indianapolis rail road was omitted; for what cause is unknown to this Board. The Board procured a competent Engineer, and had this route surveyed in the fall of 1835, as will appear by the report of the Board and Engineer, submitted to the last Legislature of 1835-6. The whole cost of the surveys, as allowed by the Board, was \$1,598 09. Other incidental expenses, not fully adjusted, would, as it was supposed, amount to about 150 dollars more. These amounts the Board respectfully request your honorable body to order to be paid by the Treasurer of State to the Treasurer of the company for the use of the company, as a measure of justice to this company, to place it upon the same ground with other companies, incorporated at the same time, which have had their routes surveyed and the expense of the survey paid by the State. The Board would further very respectfully state to your honorable body, that the whole length of their road as surveyed, was about 128 miles. The last Legislature authorized the construction of a canal from Indianapolis down the West fork of White river, about forty miles right on or near the line of the company's survey, and a M'Adamized or rail road from N. Albany to Crawfordsville, the route of which road has been, by the State Engineer, surveyed from near Orleans in Orange county, via Bedford and Bloomington, to the West fork of White river, about fifty miles along and near the company's line of survey; and the New Albany and Vincennes road is located from Paoli eastward, about four or five miles more, near and upon the company's line of survey.

In this manner, the State has ordered, since the act of incorporation, and contrary to its provisions and guarantees, rival works of internal improvements to be constructed upon about ninety-five miles of the Company's surveyed route, leaving to the Company unmolested, only about 32 or 33 miles of their whole route, and that in detached parts. In this manner the State is interfering with the vested rights of the Company, reducing the value of the stock, which has, must and will affect the profits of the corporation. The Board very respectfully state to your honorable body, that they have no disposition to interfere with any of the State works, further than it may be necessary to protect the interests of the Company and the section of country through which the road passes, and where it terminates. It is the anxious desire of the Board, as far as practicable, to avoid all interference with any State work. How is this to be done and preserve the rights of the stockholders? If the Company's road stops at the canal on White river the canal extending down White river would cause much business to go down the canal, passing the company's road. Should the Company's road stop at the Crawfordsville road, at or near Orleans, the Crawfordsville road, extending to New Albany, would divert a part of the business and take it to New Albany and Louisville; and the New Albany and Vincennes road passing along another portion of the compa-

ny's road, would divert another portion of the business—all which will detract from, affect and lessen the value and income of the corporation, by reducing the business which would pass upon the road.

It does appear to this Board, taking all things as they are now situated, that the whole route of the Company's road should belong either to the State or Company. It will be difficult to divide it satisfactorily to all parties.

Therefore, to promote harmony and prevent all future difficulties, the Board have come to the conclusion to offer the following as a compromise, to wit: "If this Legislature will order the Treasurer of State to pay to the Treasurer of the corporation, for the use of the company, the amount of money thus far expended by it in preparing the construction of the road, and the State will guarantee the construction of that part of their road situate between Orleans and the town of Leavenworth, and Unite it to the Crawfordsvilln road at or near Orleans in Orange county; the construction to be *pari passu* with any, the most favored internal improvements now constructing by the State. The Crawfordsville road to be a rail road from Bloomington to Orleans, or to the point of union, and thence to the town of Leavenworth; and that part between the town of Leavenworth and the point of union to be the first part constructed and finished. The Board of Directors, hereby reserving the right of the Company at any time hereafter, within the twenty-five years, to construct that part of the road between the Crawfordsville road and Indianapolis, and to unite it to the Crawfordsville road, at such point as may suit the convenience of the Company, and extend it north to Michigan City, under the same act of incorporation. Should this compromise be accepted by the Legislature, as soon as the payment is made and the proper guarantees given, the Board will cease farther to prosecute the work and give it over to the State to complete as above, and in accordance with the compromise.

But should your honorable body not think proper to accept the offered compromise, then this Board and the Company insist upon all the rights, privileges and guarantees, in the act of incorporation; the five years to commence in—the twenty-five years to finish in, and that there shall be no interference upon the whole line, by any person. body corporate or politic, that will be calculated in any way to detract from or reduce the profit of the corporation, as per 19th section of the act of incorporation.

The Board have the same confidence in the ability of the Company to perfect this work within the time required by the act, as expressed in former reports, and indeed, that confidence has received great confirmation, by the fact, that individuals have lately offered donations in lands to the Company, provided the State ceases her rival works along the line; which lands, if well managed and disposed of, will be worth to the Company from fifty to one hundred thousand dollars or more; all which makes this Board believe, beyond a reasonable doubt, that the stock must be profitable to the individual subscriber, as well as to the great body politic.

All which is very respectfully submitted, by order of the Board.  
 SETH M. LEAVENWORTH, Pres't  
 J. N. PHELPS, Sec'ry.

STATE OF INDIANA, ss.

Be it remembered, that before me, the undersigned, one of the Justices of the Supreme Court, on this 24th of December 1836, personally appeared the above named Seth M. Leavenworth, Esq., and made oath that the amount of expenditures and amount of profits after deducting all expenditures, are correct as stated in the foregoing report, as far as the same have come within his own knowledge, and that, as far as he has them from others, he believes them to be correct.

Given under my hand, at Indianapolis, the day above written.

ISAAC BLACKFORD.

On motion of Mr. Dunning,

*Resolved*, That a committee composed of the members representing the counties in the seventh judicial circuit be appointed to inquire into the expediency of altering the terms of holding the courts in the respective counties of said circuit. Also of giving a longer term to those counties in which the business and a due Administration of the laws may require it, with leave to report by bill or otherwise.

*Ordered*, That Messrs. Dunning, Dobson, Boon, Sigler, and Moore, be said committee.

On motion of Mr. Trask,

*Resolved*, That a select committee be appointed to inquire into the expediency of altering and establishing the boundary of Grant county, with leave to report by bill or otherwise, and also to alter the boundaries of Laporte, Marshall, Stark and St. Joseph counties, and that the petition herewith submitted in relation to the same subject, be referred to same committee.

*Ordered*, That Messrs. Trask, Liston, Everts, Ewing, Colerick, and Bell, be said committee.

On motion of Mr. Sigler, the following resolution was taken from the table:

*Resolved*, That the judiciary committee inquire into the expediency of forming an additional judicial circuit out of the 4th, 5th and 7th judicial circuits, with leave to report by bill or otherwise.

Mr. Stafford moved to amend by striking out the 4th and 5th, which was agreed to, and then the resolution was adopted.

Mr. Thompson of P., offered for adoption the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing imprisonment for debt, and report by bill or otherwise.

Mr. Smith moved to amend by striking out "enquire" and inserting "report a bill" which was not agreed to.

Mr. Thompson of L., proposed to amend by adding the following: "Except in those cases where an individual arrested by virtue of a *ca. sa.* shall practice fraud upon his creditors.

Mr. Claypool moved to lay the resolution, with the proposed amendment, on the table, which was agreed to.

Mr. Elliott proposed for adoption the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law authorizing the holding of circuit courts as to authorize three terms a year.

Mr. Dunning proposed to amend as follows: "Also of increasing the number of circuits, and of transferring the probate business to said courts," which amendment was not agreed to.

Mr. Sigler proposed to amend as follows: "Also to inquire into the expediency of creating one or more judicial circuits," which was agreed to, and the resolution adopted.

On motion of Mr. Moore,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of appropriating ten thousand dollars on the Evansville state road leading to Indianapolis.

On motion of Mr. Fowler, the following resolution was adopted:

*Resolved*, That the committee on canals and internal improvements be requested to inquire into the expediency of providing for the construction of a M'Adamized road from Indianapolis via Shelbyville, Greensburgh, and Napoleon to Lawrenceburgh; and a M'Adamized road from Rushville to intersect the aforesaid road at Greensburgh, and of incorporating said roads into the general system of internal improvements; and of making a suitable appropriation for the objects aforesaid, on condition that the Lawrenceburgh and Indianapolis rail road company shall relinquish their charter and refund to the state the money obtained by them on the state bonds, provided for in the act to provide for a general system of internal improvement, with leave to report by bill or otherwise.

On motion of Mr. Turman, the following resolution was adopted:

*Resolved*, That the committee on education be instructed to inquire into the expediency of so amending the act appropriating the proceeds of the sales of non-resident lands in the several counties to the building of school houses, so as to provide for cases where Congressional townships are to be divided by county lines.

On motion of Mr. Everts,

*Resolved*, That the judiciary committee inquire into the expediency of repealing the law requiring defendants in writs of ad respondendum in actions of debt, assumpsit and covenant founded in a writing to give special or appearance bail; unless upon affidavit as now required in other cases.

Mr. Smith proposed for adoption the following resolution:

*Resolved*, That the select committee to which was referred so much of the Governor's message as relates to the surplus revenue of the United States as is proposed to be deposited in the state of Indiana, be directed to inquire into the propriety of providing by law for its security and safe keeping in each organized county in the state—giving to each county its due proportion of principal and interest, either on the principle of taxation, representation or territory. The share of each county to be determined by the amount of revenue it pays into the state

treasury—its representative population, or its extent of territory, as may seem most reasonable and right. The amount of each county's dividend to be loaned in the proper county at a rate of interest not exceeding 8 per cent. on the mortgaged security of real estate at two-thirds its appraised value, in sums not exceeding 300 dollars, to any one individual, nor for periods exceeding three years. The interest shall be the property of the county, and shall be applied to such objects in each county as the people may determine, which determination shall be made known by election, making it the duty of each elector to express on his ticket at the next general election, the objects he wishes it applied to; whether for the payment of interest on internal improvement loans, for common school purposes, or for other objects of permanent improvement in his county.

Mr. Thompson of L., proposed to amend by striking out all that part of the resolution that provides for making the principal and interest the property of each county.

Mr. Smith moved to lay the resolution and proposed amendment on the table,

Which was agreed to, and

On motion, the Senate adjourned.

TUESDAY, DECEMBER 27, 1836.

The Senate assembled.

On motion of Mr. Sigler,

The rules of the Senate were dispensed with, and the bill of the Senate, No. 47, entitled an act to incorporate the Trustees of the Indiana Ashbury University, was read a third time and passed.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the House of Representatives,

No. 63—An act to authorize Ezra Baker jr. to build a mill dam near Coffee Island on the Wabash river;

No. 14—An act to incorporate the Peru collegiate institute;

No. 42—An act to legalize the proceedings of the probate court of Dearborn county;

In which the concurrence of the Senate is requested.

The bill No. 63 entitled an act to authorize Ezra Baker jr. to build a mill dam near Coffee Island on the Wabash river, was read once; and

On motion of Mr. Thompson of L.,

The rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Clark, the bill was amended; and

On motion of Mr. Thompson of L.,

The rules were further dispensed with, the bill read a third time and passed.

The bill No. 14, entitled an act to incorporate the Peru collegiate institute, was read once; and

On motion of Mr. Claypool,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of same gentleman, referred to the committee on corporations.

The bill No. 42, entitled an act to legalize the proceedings of the probate court of Dearborn county, was read once and passed to a second reading on to-morrow.

Mr. Little presented the petition of sundry individuals, petitioning for the relief of Robert Wilson; which,

On motion of same gentleman, was referred to the committee on claims.

A petition for the relief of S. M. Cushman, was presented by Mr. Boon; and

On motion of same gentleman, referred to the judiciary committee.

Mr. Milroy presented the remonstrance of sundry citizens of Clinton and Carroll counties, protesting against the re location of a state road leading through those counties; which was,

On motion of the same gentleman, referred to the same committee to whom a petition on the same subject was previously referred.

On leave granted, Mr. Ewing laid before the Senate the following report from the Commissioner of the Michigan road;

Which was referred to a select committee and two hundred copies ordered to be printed.

*Ordered.* That Messrs. Ewing, Liston and Colerick be said committee.

Mr. Chambers presented the petition of sundry individuals, praying for a road leading from Troy in Perry county to Paoli in Orange county; which was,

On motion, referred to the same committee to whom a former petition on the same subject was referred.

On motion of Mr. Dunning,

The petition of John Chambers and others, citizens of Monroe and Lawrence counties, praying for the re-location of part of the state road leading from Indianapolis to Leavenworth, was taken from the table and referred to the same committee to whom a former one on the same subject was referred.

Mr. Thompson of L., from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate, instructing an inquiry into the expediency of prohibiting the granting of licenses to retail spirituous liquors, along any of the lines



of our public works, except it be within the limits of towns and villages, have instructed me to report the following bill:

The bill No. 56, was read a first time and passed to a second reading on to-morrow.

Mr. Thompson of L., from the judiciary committee made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate directing an inquiry into the expediency of making an amendment therein proposed to the act entitled an act allowing and regulating the writ of ad quad damnum, have directed me to report the following bill:

The bill No. 57, was read once and passed to a second reading on to-morrow.

Mr. Dumont from the standing committee on education, made the following report:

Mr. PRESIDENT—

The committee on education to whom was referred a bill to incorporate the Carroll county seminary, have instructed me to report it back with one amendment, in which they ask the concurrence of the Senate;

Which amendment is to strike out of the 20th section these words: "Publication in the Delphi Oracle and Western Banner or otherwise published in print," and insert in lieu thereof "passage." And the committee ask to be discharged from the further consideration thereof.

*Ordered,* That the committee be discharged.

The amendments mentioned in the bill No. 42, were concurred in and the bill engrossed for a third reading on to-morrow.

On motion,

The Senate adjourned.

*2 o'clock P. M.*

The Senate assembled.

Mr. Dunning from the committee on roads, made the following report;

The committee on roads to which was referred so much of the Governor's message as relates to the three per cent. fund; also sundry resolutions on the same subject have had the same under consideration, and have given the subject that attention which its importance merits, and have directed me to report the following bill:

A bill to appropriate to the several counties in this state a part of the three per cent. fund.

The bill No. 58, was read a first time and passed to a second reading on to-morrow.

Mr. Baird, from the committee on roads made the following report, which was laid on the table, and the committee was discharged:

Mr. President—

The committee on roads to whom was referred a resolution instructing them to inquire into the expediency of amending the road law so as to make it the duty of supervisors of roads to call out the hands that may be allotted to them so as to perform the work in their districts, on or before the first day of September, in each and every year, have had that subject under their consideration, and directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

Mr. Thompson of P., from the committee of corporations made the following report:

Mr. President—

The committee on corporations to which was referred a bill of the Senate to incorporate the Laurel Savings Institution and Insurance Company, have according to order, had the same under consideration, and have made sundry amendments, and instructed me to report accordingly to the Senate and ask its concurrence thereto.

The bill No. — entitled an act to incorporate the Laurel Savings Institution and Insurance Company, was read, and with the amendments re-committed to the committee on corporations.

Mr. Brady from the committee on the affairs of the town of Indianapolis made the following report:

Mr. President—

The committee on the affairs of the town of Indianapolis, to whom was referred a resolution directing an inquiry into the expediency of preparing the house or circle for the residence of the Governor, have, accordingly had the same under consideration, and have directed me to report a bill pursuant to the object of said resolution entitled a Bill authorizing the repair of the house on the circle, for the future residence of the Governor of the State of Indiana.

The bill No. 59, entitled an act authorizing the repair of the house on the circle for the future residence of the Governor of the State of Indiana, was read, and

*Ordered*, That it pass to a second reading.

Mr. Colerick presented the petition of sundry citizens of Allen county, praying for an act to incorporate a company to build a bridge across the Maumee river,

Which was read, and

On motion of the same gentleman referred to a select committee.

*Ordered*, That Messrs. Colerick, Crawford and Trask be the committee.

The President laid before the Senate the following report from the Board of Internal Improvement, which was laid on the table, and 500 copies ordered to be printed:

*To the General Assembly of the State of Indiana:*

The State Board of Internal Improvement submits the following report of the sales of canal lands, and the entire condition of that important interest up to the 25th of Nov., 1836. Between the 25th Nov., 1835, and the 25th Nov., 1836, there has been sold at the office in Fort Wayne 58,452 51.100 acres of land, for the sum of \$105,649 29—of which sum \$26,882 32 have been paid; and \$4,725 23, the interest in advance on the residue.

There has also been paid \$16,553 71, the interest in advance, and 5.022 97 balance of principal on canal lands sold previous to the 28th November 1835. There remains unsold six or seven lots, not exceeding in all 500 acres.

The General Assembly will also find herewith a statement of the accounts of the Board embracing the accounts of the members separately, showing the entire debits, credits and balance in each case. To secure the faithful disbursement of the public money, and its judicious application, the members are required by the Board, to procure triplicate accounts, accompanied by triplicate vouchers, for each item of expenditure, which are examined in regular succession before the Board, separately passed or rejected; and in case of any excess on hand, not evidently required by the public service—to satisfy the Board why it has so happened. The Board will remark, that from the nature of the service, it is impossible for an acting commissioner, pending operations, precisely to balance his account; that sometimes there will appear a balance in his favor, where his drafts have not reached the fund commissioners; and frequently a balance against him, to be absorbed by outstanding claims and contingent expenses.

In the recent settlement of accounts, the Board has no complaint to make, except a single case. By reference to the account of Mr. David Burr, it will be seen that there is a balance against him of \$21,344 59, and for this balance he has failed to give any satisfactory explanation. When it is recollected that Mr. Burr commenced his duties as canal commissioner, with the commencement of the Wabash & Erie canal, and that for many years in that capacity, he, with much ability served the state, it is with deep regret the Board finds itself compelled to report this default; but duty to the public interest, and the character of this Board admits of no alternative.

By order of the Board,

D. H. MAXWELL, *Pres't.*

STATEMENT exhibiting the amount of moneys received, and the  
the State Board of Internal Improvement for the year ending 30th

*The State of Indiana in account with the State Board of Internal Imp't.  
DR.*

To amount paid by David Burr, Commis- sioner Wabash & Erie canal during the year 1836 to Nov. 30 to contractors	\$277,142 66	
Do by do being incidental expenses on do	12,024 50	
Do by do being damages assessed in favor of individuals on do	283 00	
Do by do as Acting Com'r on Indianapolis division of Central Canal, (incidental ex- penses)	3,909 40	
Do by do for purchase of land for do	3,234 00	
Do by do for construction of do	1,171 39	
Do by do for Fall creek survey	1,235 41	
Do by do for locating Central Canal last year	678 00	
Do by do for general contingencies of the Board	1,526 75	
Do by do deposit in Indianapolis Br. Bank to credit of Fund Commissioner	10,000 00	
		311,205 71
Balance in Mr. Burr's hands	\$21,344 59	
Amount deposited by Samuel Lewis, com'r of the Wabash & Erie Canal Land Office at Fort Wayne, in the Fort Wayne Br. Bank to the credit of the Fund Com'rs.	7,399 40	
Do by do	27,253 87	
Do paid by do as Acting Com'r Wabash & Erie canal east of Huntington, (incidental)	1,860 02	
Do paid by do for constructing and repair- ing do	8,511 92	
Do paid by do., being incidental expenses on sale of canal lands	1,079 73	
Do deposited by do in Indianapolis branch bank to credit of Fund Commissioners	2,052 50	
Do paid by do for survey of E. & M. canal	3,691 76½	
		51,855 20½
Balance in hands of Mr. Lewis	\$1,613 02½	
Amount carried forward		\$363,060 91½

amount disbursed by the several Acting Commissioners composing Nov., 1836, on account of the public works, as required by the Board.

*The State of Indiana in account with the State Board of Internal Imp't.*  
CR.

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By amount of drafts on Fund Commissioners by David Burr, commissioner on the W. & E. canal, including \$13,536 34 received by him from J. B. Johnson, commissioner	325,196 02	
Do by do as acting commissioner on Central Canal, Indianapolis division	7,354 28	
	<hr/>	332,550 30

Amount of draft drawn on fund com'r by Sam- uel Lewis, acting commissioner on W. & E. Canal	266 00	
Amount received by same from individuals for land sold between 25th Nov., 1835 and 25th Nov., 1836	26,882 32	
Do by same from do, being 1 year's interest in advance on the above sales	4,725 23	
Do by same in full for canal lands sold prior to 25th November, 1835	5,022 97	
Do by same for trespass on towing-path W. and E. Canal	18 00	
Do by same for interest on canal lands sold previous to 25th November, 1835	16,553 71	
	<hr/>	53,468 23

Amount carried forward	\$386 018 53
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**STATEMENT** exhibiting the amount of moneys received, and the  
the State Board of Internal Improvement for the year ending 30th

*The State of Indiana in account with the State Board of Internal Imp't.*  
[CONTINUED.]

DR.

Amount brought forward	363,060 91½
Amount paid by James B. Johnson, com'r on W. & E. Canal to contractors above George- town, from 30th Nov. to 30th Jan. last	13,536 34
Do paid by do east of Tippecanoe	4,703 00
Do paid by do west of do	4,537 00
Do paid by do contingent expenses E. of Tip.	1,380 97
Do paid by do west of do	1,292 56½
Do paid by do being his salary, expenses, &c., on both lines	-1,028 50
Do by do, being postage account	2 75
	<hr/> 26,481 12
Am't paid by John Woodburn, acting com'r on M. & L. rail-road, for location & construction	13,439 57½
Am't paid by Sam'l Hall, acting com'r, south- ern div. Central Canal, for locating, inclu- ding \$50 for land for lock site, and \$437 16 paid over to A. Clark his successor in office	1,699 33½
Balance in Mr. Hall's hands \$300 66½	
Am't paid by Amos Clark, acting com'r on same line, successor of Mr. Hall, including \$100 paid for land for lock site	1,295 18
Balance in Mr. Clark's hands \$141 93	
Am't paid by Elisha Long, acting com'r, on W. W. Canal, for location, pay to contract'rs, &c	4,644 97
Am't paid by David H. Maxwell, acting com'r on Jeffersonville and Crawfordsville road, for surveying road, &c.	3,866 02
Do paid by do as president of the Board for contingencies	2,100 00
	<hr/> 5,966 02
Balance in Mr. Maxwell's hands \$133 98	
Amount paid by Thomas H. Blake, acting com'r on Cross-Cut canal, for locating &c.	3,146 16
Balance in Mr. Blake's hands \$853 84	
Am't paid by John G. Clendenin, acting com. on the N. Albany and Vincennes M'Adam- ized road, for location, &c.	4,262 34½
Total am't of disbursement	\$423,995 62½
Balance against the Board	16,560 61½
	<hr/> <hr/> \$440,556 24

amount disbursed by the several Acting Commissioners composing Nov., 1836, on account of the public works, as required by the Board.

*The State of Indiana in account with the State Board of Internal Imp't.*

[CONTINUED.]

CR.

Amount brought forward		\$386,018 53
By amount in the hands of J. B. Johnson, com'r W. & E. Canal, at last year's report	19,910 55	
By draft on fund commissioner by same	2,000 00	
By am't received by same for 2 yoke oxen	90 00	
		22,000 55
Am't over paid by Mr. Johnson	\$4,480 57	
By amount of drafts on fund com'r drawn by John Woodburn, acting com'r Madison and Lafayette rail-road	13,000 00	
Am't over paid by Mr. Woodburn	\$439,574	
By am't of draft on fund com'rs, drawn by Samuel Hall acting commissioner, &c.	2,000 00	
By am't received by Amos Clarke, acting com'r for his predecessor, Mr. Hall	437 16	
Do by do in draft on fund com'rs	1,000 00	
		1,437 16
By am't received by Elisha Long, acting com. in draft on fund commissioners		2,000 00
Am't over paid by Mr. Long	\$2,644 97	
By am't received by D. H. Maxwell, acting com'r, &c. by draft on fund com'rs	4,000 00	
By do received by do as president of the Board by drafts for contingencies	2,100 00	
		6,100 00
By am't received by Thos. H. Blake, acting com'r, &c. by drafts on fund com'rs		4,000 00
By am't received by John G. Clendenin, acting com'r, &c. by draft on fund com'rs		4,000 00
Am't over paid by Mr. Clendenin	\$262 34	

Total amount of moneys received

\$440,556 24

*Recapitulation of Balances, according to the foregoing statement.*


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In the hands of Mr. Burr	\$21,344 59	
Mr. Lewis	1,613 02½	
Mr. Hall	300 66½	
Mr. Clark	141 98	
Mr. Blake	853 84	
Mr. Maxwell	135 98	
	<hr/>	24,388 08
Over paid by Mr. Johnson	4,480 57	
Mr. Woodburn	439 57½	
Mr. Long	2,644 97	
Mr. Clendenin	262 34½	
	<hr/>	7,827 46½
		<hr/>
Aggregate balance against the Board, 30th November, 1836,		\$16,550 61½

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Mr. Liston from a select committee, made the following report:

The select committee to which was referred the resolution of the Senate, relative to the ninth section of the act for the prevention of frauds and perjuries, have had the same under consideration, and have directed me to report the following bill:

The bill No. 60, entitled an act for the prevention of frauds and perjuries, was read a first time and ordered to a second reading.

Mr. Morgan submitted for adoption the following resolution:

*Resolved*, That the committee on canals and internal improvements be instructed to report a bill, providing that the public works provided for by an act of the last session of the general assembly shall be divided into three classes, placing such works as in the opinion of the committee, will yield the largest profits to the state, in the first class; the first class to be completed before any appropriation shall be made on works of the second class, except contracts already entered into; the second class to have the same preference over the third class that the first has over the second class.

Mr. Thompson of Lawrence moved to make it a matter of inquiry with said committee.

*Ordered*, That the resolution, together with the proposed amendment be laid on the table.

Mr. Milroy submitted the following resolution, which was laid on the table.

*Resolved*, That a select committee of two from each judicial district be appointed to take into consideration what additional works of internal improvement are necessary to be added to those authorized at the last session of the general assembly, to render the system of internal improvement equal and general in its benefits to the state. And also to inquire into the expediency of classifying all the works of internal improvement proposed in the state, in the order of their supposed benefit and probable amount of tolls to be derived from them, and provide for their completion in the order of such classification, with leave to report by bill or otherwise.

On motion,

The Senate adjourned.

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WEDNESDAY, DECEMBER, 28, 1836.

The Senate assembled.

Mr. Dunning presented the petition of sundry individuals for the relief of James Warner; which,

On motion of the same gentleman, was referred to the committee on education.

Mr. Colerick presented the petition of sundry citizens of Adams and Allen counties, praying a charter of a rail road from Piqua in Ohio to Fort Wayne in Indiana; which,

On motion of same gentleman, was referred to a select committee.

Ordered, That Messrs. Colerick, Liston and Crawford be that committee.

The following message was received from the House of Representatives, by a member:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill of the House,

No. 59—Entitled an act to dissolve the banns of matrimony between Huston Russell and his wife;

In which bill the concurrence of the Senate is respectfully solicited.

Mr. Mitchell moved to reject the bill of the House No. 59;

And on the question shall it be rejected?

*Those who voted in the affirmative are,*

Messrs. Boon, Bradberry, Casey, Clark, Cole, Colerick, Collins, Conwell, Crawford, Dobson, Dumont, Ewing, Fowler, Hackett, Hillis, Kennedy, Liston, Little, Milroy, Mitchell, Moore, Morgan, Plummer, Puett, Smith, Stafford, Stewart, Thompson of L., Trask, and Walker—30.

*Those who voted in the negative are,*

Messrs. Beard, Brady, Chambers, Claypool, Daily, Dunning, Elliott, Everts, Hoagland, Sigler, Turman, Thompson of P. and Vawter—13.

And so the bill was rejected.

The following message was received from the House of Representatives, by a member:

MR. PRESIDENT—

I am instructed by the House of Representatives, to inform the Senate, that they have concurred in the amendment of the Senate to the bill of the House,

No. 63, entitled an act to authorize Ezra Baker jr. to build a mill dam near Coffee Island on the Wabash river.

MR. PRESIDENT—

The House of Representatives have passed engrossed bills of the House of Representatives, entitled as follows, to-wit:

No. 31—An act to regulate the disbursements of the 3 per cent. fund in the unorganized counties;

No. 56—An act to incorporate the Lawrenceburgh and Farmer's creek bridge company; and

No. 57—An act to alter the county lines in the counties of Warren and Jasper;

In which the concurrence of the Senate is requested.

The bills of the House, Nos. 31, 56 and 57, were each read a first time and passed to a second reading on to-morrow.

On motion of Mr. Daily,

The rules of the Senate were dispensed with and the bill of the Senate, entitled an act to amend the several acts for the promotion of schools in Clark's grant, was read a second time and referred to a select committee.

*Ordered*, That Messrs. Daily, Dumont and Hoagland be said committee.

On motion of Mr. Hillis,

The rules of the Senate were dispensed with and the bill of the Senate, No. 17, entitled an act to provide for the payment of postage, was read a third time; and

On motion of Mr. Thompson of L., to indefinitely postpone,

*Those who voted in the affirmative are,*

Messrs. Beard, Brady, Clark, Claypool, Cole, Collins, Conwell, Crawford, Daily, Dobson, Dunning, Ewing, Fowler, Hoagland, Kennedy, Little, Mitchell, Sigler, Smith, Stafford, Stewart, Turman, Thompson of L., and Trask—23.

*And those who voted in the negative are,*

Messrs. Bell, Boon, Bradberry, Casey, Chambers, Colerick, Dumont, Elliott, Everts, Hackett, Hillis, Liston, Milroy, Moore, Morgan, Plummer, Thompson of P., and Vawter—18.

And so the bill was indefinitely postponed.

Mr. Vawter from the committee on enrolled bills, made the following report:

Mr. Vawter from the joint committee on enrolled bills, reports that they have compared the enrolled with the engrossed bill which originated in the House of Representatives,

No. 63, entitled an act to authorize Ezra Baker jr. to build a mill dam near Coffee Island on the Wabash river;

And find the same truly enrolled; and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Morgan, leave of absence was granted to Mr. Fowler.

Mr. Cole presented the petition of sundry individuals, for the vacation of the town of Georgetown in Boon county; which was,

On motion of the same gentleman, referred to a select committee.

*Ordered*, That Messrs. Cole, Beard and Clark be said committee.

Mr. Clark from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred so much of the Governor's message as relates to negotiations with the State of Illinois, on the subject of improving the navigation of the Wabash river; also a resolution of the Senate, directing them to inquire into the expediency of appointing a commissiooer to negotiate with the State of Illinois upon the subject of improving said river by mutual contributions, have had that subject under their consideration, and have directed me to report herewith a joint resolution entitled, A joint resolution in relation to the improvement of the Wabash river, and to authorize a compact with the State of Illinois.

The joint resolution in the message mentioned, was read a first time and passed to a second reading on to-morrow.

Mr. Clark from the committee on canals and internal improvements, made the following report;

Which was laid on the table.

MR. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of so changing the system of internal improvements, as to provide for the opening and construction of from one to three of the most prominent public works as speedily as practicable; and that expenditures on all others be suspended until such work or works are completed, or until they are in such a state of advancement as to admit of the commencement of other works without being burthensome to the people in the way of taxation, or oppressive to the agricultural interests of the state by increasing the price of labor to an immoderate degree; and also prospectively to extend the system, so as to provide for all portions of the state now unprovided for, so far as may be consistent with public justice and public good, have instructed me to report, that they have had the matter under consideration, and are of opinion that any legislation with reference to the subject is inexpedient, and the committee have directed me to ask that they be discharged from any further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Thompson of P., from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations, to which was referred a bill of the Senate, to incorporate the Laurel saving's institution and insurance company, have made sundry amendments;

In which they ask the concurrence of the Senate.

The amendments to the bill in the message mentioned, were concurred in by the Senate, and the bill engrossed for a third reading on to-morrow.

Mr. Everts from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition of William Clark and others, praying for the location of a state road from the town of Laporte in the direction of New Buffalo in Michigan Territory, have had the same under consideration and have directed me to report the following bill:

The bill No. 62, in the message mentioned, was read a first time and passed to a second reading on to-morrow.

Mr. Ewing, from a select committee, made the following report,

Which, on motion of the same gentleman, was referred to the committee on canals and internal improvements, with instructions to report a bill, if they deem it expedient.

Mr. PRESIDENT—

The select committee to which was referred so much of the Governor's message as relates to the Michigan road, have had the same under consideration, and after due deliberation thereon, have instructed me to report that they cordially concur with His Excellency in the view he has already taken of that road in his last annual message, and in as much as it is "the province and duty of the Legislature to point out the remedy for any evil afflicting to the public," the committee most earnestly invite your attention to the condition of said Michigan road, than which there is no subject more worthy of a share of the attention of the Legislature. That thoroughfare is the avenue through which a large portion of the emigration and travel destined for the districts north of the seat of Government, have and must continue to pass, and through which we carry and receive no small share of exports and imports. It is therefore a work of much value to the public. The proceeds of the lands granted for its improvement amounting to \$230,000, have been exhausted, with the exception of a small part. That is too large a sum to be lost, as it will be, should the road go to decay for the want of an additional sum to render it available; and as

It has heretofore cost the people nothing, the assistance required, it is believed, should not be withheld. It is a state work, and should be owned and treated as such." The fact that it will, when completed, form a direct, safe, and speedy connection between the Ohio river and Lake Michigan, thereby creating a great and important thoroughfare extending north and south through our state, should in the opinion of the committee place it among the first and most important of our State works, at the same time it would seem to have strong claims to the character of a national work; nor can we doubt that it was so viewed by Congress when in 1827, a liberal donation of lands was granted to aid in its construction. Another reason why said road should be suitably provided for by our Legislature in our opinions, is the fact that from Indianapolis north, it passes through a most beautiful and fertile country, in a portion of which, namely, north of Tippecanoe and south of Lake Michigan, iron ore of superior quality is found in great abundance, as well as timber and hydraulic privileges. It will be recollected that a great portion of the lands situated on said road, and especially on the northern part of it, were sold by the State for the avowed purpose of constructing a state road where said road is now located, and that under this belief the people have made large and valuable improvements thereon.

It is the only avenue by means of which our citizens can reach Lake Michigan or enjoy any of those great facilities which shipping ever affords. It connects with all the great travel and thoroughfares which now pass and must continue to pass along the southern bend of Lake Michigan, and if made a good road, it would induce thousands of the enterprising and wealthy emigrants destined for Illinois and the "far west," to come into our State and settle on our rich lands, so plentifully found along the entire route of said road. By means of a suitable improvement on that route (and this committee would respectfully recommend a McAdamized turnpike, or a rail road) a large and important portion of the State would be materially benefitted and its immediate improvement thereby made sure and certain, and the transportation of the great northern mail, now almost impracticable, would by this means be greatly facilitated. The recent treaty with the Pottawattamie Indians residing in the north of our State, in which they have ceded to the United States their entire title to lands in said state, and have agreed, in a reasonable time, to move west, where the Government has provided them a suitable home, removes at once, all those barriers which have hitherto existed and greatly retarded the settlement of that part of the State situated north of the Wabash river and south of Lake Michigan, and it is believed that nothing more will now be required than the fostering hand of our Legislature, guided by a spirit of justice and alike liberality with which other portions of the State have been provided for, to insure the general prosperity of our northern counties, already being settled with a rapidity hitherto unprecedented. The committee being deeply impressed with the importance of the subject now before them, and viewing the Michigan road as a great and public thoroughfare, justly entitled to the charac-

ter of a State work, and believing it to be already a work of that kind, they are desirous that it should be suitably provided for by the present Legislature, and ask to be discharged from the further consideration thereof, and unite in our desire that it be further referred to the standing committee on canals and interanl improvements, with instructions to inquire into the expediency of reporting a bill thereon.

Mr. Chambers from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill No. 38, to establish a certain state road in the county of Posey, Crawford and Orange have had the same under consideration and have directed me to report the same back without amendment, and ask the concurrence of the Senate therein.

The bill No. 38, in the message mentioned, was made the special order of the day on to-morrow in committee of the whole.

Mr. Dumont proposed the following resolution, which was adopted:

*Resolved*, That the Treasurer of State be requested to furnish the Senate with a statement of the amount of moneys that has been received for the sale of saline lands and the rent of salt licks, either as principal or interest; also a statement of the amount of seminary and college funds that are loaned; also a statement of the moneys received from the estates of decedents that have died without heirs, with a statement of the several periods when the several loans of any of the aforesaid moneys will expire.

Mr. Mitchell offered the following resolution, which was not adopted:

*Resolved*, That the judiciary committee be instructed to inquire into the propriety of reporting a bill which in its provisions will require the circuit judges to file in writing their charges to the traverse juries with the clerks of the circuit courts, for the benefit of all persons concerned.

Mr. Elliott submitted for adoption the following resolution:

*Resolved*, That the committee on canals and internal improvements inquire into the expediency of fixing by law, the salaries of the principal and resident Engineers, and report by bill or otherwise.

Mr. Smith moved to amend the resolution by making it imperative on the committee; which was agreed to, and the resolution adopted.

On motion of Mr. Vawter, the following resolution was adopted:

*Resolved*, That a select committee be appointed to inquire into the expediency of memorializing the Congress of the United States, to pass an act relinquishing to the several States of the Union, all claim which the General Government may have upon the surplus revenue, which was, by the act of Congress of the 23d June, 1836, authorized to be deposited with the different States, with leave to report by joint resolution or otherwise.

*Ordered*, That Messrs. Vawter, Dunning, Daily, and Hoagland, be said committee.

Mr. Plummer offered for adoption the following resolution:

*Resolved*, That the committee on ways and means be requested to inquire into the expediency of passing a law prohibiting the printing of a larger number of papers or documents than one of each kind for each member of the Senate and House of Representatives, unless provision is made for the payment of the postage thereon, with leave to report by bill or otherwise;

Pending which,

The Senate adjourned.

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THURSDAY, DECEMBER 29, 1836.

The Senate assembled.

Mr. Clark from the committee on canals and internal improvements made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of instructing the board of internal improvement to cause a continuation of the Central canal, to be surveyed during the next season, north of the Wabash and Erie canal by the way of the county seat of Kosciusko county, if practicable, to Goshen on the Michigan and Erie canal route, in Elkhart county, have considered the subject and have directed me to report, that in their opinion any legislation upon that subject is inexpedient, and they ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Clark from the committee on canals and internal improvements made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of providing by law an appropriation sufficient for the commencement and completion of the Columbus and Jeffersonville road as surveyed and reported by Randolph Coyle during the last session of the legislature; also a resolution instructing them to inquire into the expediency of providing by law, for the Jeffersonville and Columbus McAdamized rail road, have considered the subject and have directed me to report, that in their opinion, the system of internal improvement already undertaken is as large and expensive as the state,



with its present means can, with any degree of prudence attempt to construct, and therefore any legislation upon that subject is inexpedient. The committee ask to be discharged from any further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Clark from the committee on canals and internal improvements, made this report:

Mr. PRESIDENT—

The committee on canals and internal improvements, who by a resolution of the Senate, were instructed to inquire into the expediency of authorizing a survey and estimate to be made of a rail or turnpike road from Shelbyville in Shelby county, by the way of Greenfield in Hancock county to Pendleton, Huntsville and Andersontown in Madison county, have in obedience to said resolution, considered the subject and have directed me to report that in their opinion any legislation in reference thereto is inexpedient, and the committee ask to be discharged from any further consideration thereof.

*Ordered*, That the committee be discharged and the resolution lay upon the table.

On motion of Mr. Milroy,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending an act regulating crimes and punishments, so that it be made a criminal offence for public officers entrusted with the care, or disbursement of public money to apply it to their own purposes or fail to pay over or account for the same according to law.

Mr. Stewart proposed for adoption, the following resolution:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of reporting a bill providing for a survey and estimate of a clay turnpike road commencing on the east bank of the Wabash river opposite Mount Carmel, by Princeton, Petersburg, Jasper, Leavenworth, Corydon to New Albany.

On motion of Mr. Thompson of L.,

The resolution was so amended as to change its reference to the same committee to whom was referred so much of the Governor's message as recommends to the serious consideration of the legislature the counties of Jackson, Scott and Clark, and all that district of country lying south of White river and the Vincennes state road;

And thus amended, the resolution was adopted.

On leave granted, Mr. Brady introduced a bill entitled an act to incorporate the Indianapolis Female Institute;

Which was read once and passed to a second reading on to-morrow.

Mr. Cole presented the petition of James A. Groves and others on the subject of a road leading from Noblesville to Andersontown; which,

On motion of same gentleman,

Was referred to the committee on roads.

Mr. Thompson of P., introduced a bill entitled an act to incorporate the Indiana Pottery company for the purpose of manufacturing earthen ware and China.

Which was read a first and second times and referred to the committee on corporations.

Mr. Everts introduced a bill entitled an act to amend an act to incorporate the Buffalo and Mississippi rail road company, approved February 6, 1835;

Which was read once and passed to a second reading on to-morrow.

Mr. Boon introduced a bill entitled an act supplemental to an act entitled an act providing for a general system of internal improvement, approved Jan. 27, 1836;

Which was read a first time and passed to a second reading.

Mr. Milroy introduced a bill entitled an act to amend an act entitled an act to provide for a general system of internal improvement, app'd. January 27, 1836;

Which was read a first time; and

On motion of Mr. Boon,

The rule was dispensed with, the bill read a second time; and

On motion of Mr. Thompson of L., to indefinitely postpone,

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Brady, Clark, Cole, Collins, Conwell, Dunning, Elliott, Ewing, Hackett, Hillis, Liston, Little, Morgan, Sigler, Stafford, Thompson of L. and Vawter—19.

*Those who voted in the negative are,*

Messrs. Bell, Boon, Casey, Chambers, Claypool, Colerick, Daily, Dobson, Dumont, Everts, Hoagland, Kennedy, Milroy, Mitchell, Moore, Plummer, Puett, Smith, Stewart, Turman, Thompson of P., and Walker—22.

And so it is not indefinitely postponed.

Mr. Thompson of P. moved to refer the bill to a select committee.

Mr. Vawter moved to amend the motion, by adding the following:

With instructions so to amend the same that the members of the board of internal improvement shall hereafter be elected *viva voce* by both houses of the General Assembly on the nomination of the Governor.

Mr. Morgan proposed to amend Mr. Vawter's amendment by striking out all after the words "General Assembly," and insert "by a separate vote of each house, each house voting by ayes and nays;"

Which amendment was agreed to.

Mr. Dobson moved further to amend as follows:

That one shall be elected from each congressional district, and too froating;

Which was not agreed to.

And as amended Mr. Thompson's motion was agreed to.

*Ordered*, That Messrs. Milroy, Thompson of P., Puett and Boon be said select committee.

On leave granted, Mr. Stanford introduced a bill entitled an act to change the name of the town of Jamestown in Henry county, to that of New Lisbon;

Which was read once and passed to a second reading.

Mr. Clark from the committee on canals and internal improvements made the following report:

The committee on canals and internal improvements, to whom was referred a resolution of the Senate instructing them to inquire into the expediency of hastening as rapidly as possible, all the public improvement undertaken by the state at the last session of the legislature, and included in the act providing for a general system of internal improvement,, have in obedience thereto, considered the subject, and have directed me to report herewith a bill amendatory of an act entitled an act to provide for a general system of internal improvements, approved January 27, 1836.

The bill No. 72, in the report mentioned, was read a first time and passed to a second reading on to-morrow.

Mr. Ewing introduced a bill No. 74, entitled an act to amend an act to incorporate the Logansport and Eel river bridge company, approved Feb. 5, 1836;

Which was read a first time and passed to a second reading.

Mr. Thompson of P. introduced a bill entitled an act to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

Which was read once and passed to a second reading.

Mr. Crawford introduced a bill No. 75, entitled an act declaring a certain road therein named a state road;

Which was read once and passed to a second reading.

The Senate then proceeded to the consideration of the orders of the day.

The bill No. entitled an act to incorporate the Laurel saving's institution and insurance company, was read a third time and passed.

The bill of the House of Representatives No. 6, entitled an act to change the name of Mary Ann Elder Grassgo, was read a third time and passed.

The bill of the House of Representatives No. 9, to locate a state road from Bloomington to Bloomfield, was read a third time and passed.

The bill of the House of Representatives No. 15, to change the name of the town of Portersville in Porter county to that of Valparaiso, was read a third time and passed.

The bill of the Senate No. 8, to legalize the election of Probate judge in Fulton county, was read a third time and passed.

The joint resolution No. 10, relative to constructing a harbor at Lake Michigan, was read a third time and passed.

The bill of the Senate No. 13, entitled an act for the relief of Geo. Brodrise, was read a third time and passed.

The bill of the Senate No. 15, entitled an act to legalize the election and acts of H. P. DeBruler, as probate judge in the county of Pike, was read a third time and passed.

The joint resolution of the Senate, No. 18, entitled a joint resolution and memorial of the General Assembly of the State of Indiana, on the subject of the Cumberland road, was read a third time and passed.

The bill, No. 22, to repeal certain laws now in force in several counties of the state, regulating the mode of doing business therein. Same order.

The bill of the Senate, No. 23, to amend an act regulating the mode of doing county business in the several counties of this state, approved Jan. 19, 1831. Same order.

The bill of Senate, No. 24, entitled an act to amend the 9th section of an act entitled an act relative to crimes and punishments, approved Feb. 10, 1831;

Read a second time and engrossed for a third reading on to-morrow.

The bill No. 25, entitled an act to organize the county of Steuben, was read a second time, amended, and

On motion of Mr. Dunning,

Considered as engrossed and passed.

The joint resolution of the Senate, No. 19, on the subject of the Cumberland road, was read a second time and engrossed for a third reading.

The joint resolution of the Senate, No. 20, entitled a joint resolution relative to the appointment of a commissioner to adjust the boundary line between Indiana and Ohio,

Was read a second time; and

On motion of Mr. Boon,

Considered as engrossed, read a third time and passed.

The bill of the Senate, No. 21, to repeal certain acts now in force in several counties of the state in relation to the jurisdiction and duties of justices of the peace,

Was read a second time and committed to a committee of the whole and made the special order of the day for to-morrow.

The bill of the Senate, No. 26, entitled an act to organize Lake county, was read a second and third times and passed.

The bill of the Senate, No. 27, entitled an act to amend an act to provide for the commissioning of sheriffs and coronors, and to regulate their duties, approved Jan. 7, 1824,

Was read a second time, amended, and engrossed for a third reading.

The bill of the Senate, No. 36, entitled an act supplemental to an act entitled an act to provide a general system of internal improvement, approved Jan. 27, 1836, was read a second time.

Mr. Cole moved to amend said bill, so as to make Noblesville a point in the Central canal.

Mr. Kennedy moved to amend Mr. Cole's amendment by inserting after Noblesville the words "and Muncietown, the county seat of Delaware county;

Which was agreed to.

Whereupon,

On motion, said bill was referred to the committee on canals and internal improvements.

Bill No. 42, entitled an act to incorporate the Carroll county seminary, was read a third time and passed.

The joint resolution No. 61, entitled a joint resolution in relation to the Wabash river, and to authorize a compact with the state of Illinois, was read a second time; and

On motion of Mr. Dunning,

Considered as engrossed, read a third time and passed; and

On motion,

The Senate adjourned.

FRIDAY, DECEMBER 30, 1836.

The Senate assembled.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills of the House of Representatives as follows:

No. 45—An act to incorporate the trustees of the Western University.

No. 52—An act authorizing William McCartney, sen., and others to cut a race from the head of Kankakee into the St. Joseph river, and

No. 54—An act to appropriate a part of the three per cent. fund on the Rome and Paoli state road, in the county of Orange;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed an enrolled bill of the House of Representatives,

No. 63—An act to authorize Ezra Parker, jr. to build a mill dam near Coffee Island on the Wabash river,

I am directed to bring it to the Senate for the signature of the president thereof.

The bill No. 45, in the message mentioned was read a first time, and

On motion of Mr. Everts, the rules of the Senate were dispensed with, the bill read a second time and referred to the standing committee on education.

The bill No. 42, was read a first time, and

On motion of Mr. Liston the rules of the Senate were dispensed with, and the bill read a second time and referred to a select committee;

*Ordered*, That Messrs. Liston, Everts, and Crawford be said committee.

The bill No. 54, was read a first time, and

On motion of Mr. Chambers, the rules were dispensed with, the bill read a second and third time and passed.

The president having signed the bill, No. 63, in the message mentioned, it was handed to the committee on enrolled bills to be handed to the Governor for his approval and signature.

Mr. Vawter from the committee on enrolled bills made the following report:

MR. PRESIDENT—

Mr. Vawter from the joint committee on enrolled bills reports that they did this day present to His Excellency the Governor for his approval and signature, an enrolled bill,

No. 63, of the House of Representatives, entitled an act to authorize Ezra Baker, jr., to build a mill dam near Coffee Island, on the Wabash river.

Mr. Walker presented the petition of Ira Baily and others, praying that the legislature legalize a certain sale of land, which

On motion of same gentleman was referred to the judiciary committee.

Mr. Little presented the petition of W. L. Matlock, and others praying for the re-location of part of the state road leading from Mooresville to Danville, which

On motion of Mr. Little, was referred to a select committee;

*Ordered*, That Messrs. Little, Stafford, and Sigler be said committee.

Mr. Everts introduced a petition signed by sundry individuals praying for the incorporation of a canal or rail-road company for a rail-road or canal leading from the Wabash and Erie Canal, in Fountain county to Liverpool in Lake county,

Which was referred to a select committee to whom was referred other petitions on a similar subject.

Mr. Sigler introduced the petition of James Attey and others, praying for the improvement of Eel river, or an extension of the Eel river Feeder as high as the centre of Putnam county, which,

On motion of the same gentleman, was referred to the committee on canals and internal improvements.

Mr. Sigler presented the petition of Jacob Durham and others, praying for a charter of a turnpike company leading from Crawfordsville via Russleville and Rockville, to Terre-Haute,

Which was referred to a select committee composed of Messrs. Sigler, Beard, Puett and Boon.

Mr. Liston presented the petition of Samuel Brook and others, praying for the repeal of an act locating a state road leading from Portage to the north of the State;

Which was referred to the committee on roads.

Mr. Ewing presented the petition of John W. Wright and others, praying for a state road leading from Logansport to Stark county;

Which was referred to the committee on roads.

Mr. Everts presented the petition of Nathan Davis and others, praying for the incorporation of a company to construct a canal connecting the waters of the Little and Great Calumet rivers;

Which was, on motion of same gentleman, referred to same committee to whom was referred several petitions relative to improvements in the north.

Mr. Everts presented the petition of E. D. Wolf and others, praying for the location of a state road from Logansport to Liverpool, which was referred to the same committee to whom a former petition on the same subject was referred.

Mr. Everts presented the petition of Nathan Davis and others, praying for a road leading from Williamsport to the Big Kankakee, which was referred to the same committee to whom was referred sundry petitions in relation to the improvement of the north; and

On motion of Mr. Ewing, Mr. Liston was added to said committee.

Mr. Ewing presented the petition of John W. Wright *et al*, petitioning for a state road leading from Logansport to Newton county,

Which was, on motion of same gentleman, referred to the committee on roads.

Mr. Dunning, from the committee on the State Library, made the following report:

Mr. PRESIDENT—

The committee on the State Library to which was referred a resolution directing them to inquire into the propriety of allowing the subscribers to public libraries the right of holding an election when they shall have subscribed fifty dollars to the same; also to inquire what other amendments are necessary to said law, have had the same under consideration, and directed me to report the following bill:

A bill to amend an act entitled "an act for the incorporation of public libraries," approved Dec. 17, 1816.

The bill in the report mentioned, was read a first time and passed to a second reading.

The following message was received from the House of Representatives by Mr. Wright, a member:

Mr. PRESIDENT—

I am instructed to inform the Senate that the House of Representatives have passed the bill of the Senate, entitled

An act to incorporate the Trustees of the Indiana Asbury University, with an amendment,

In which the concurrence of the Senate is requested.

The amendments to the bill in the message mentioned, was concurred in by the Senate.

The following message was received from the House of Representatives by a member:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that they have passed an engrossed bill of the Senate entitled, "an act to change the time of holding the courts in part of the third judicial circuit," with an amendment,

In which the concurrence of the Senate is requested.

The amendment to the bill in the message mentioned was concurred in.

Mr. Thompson of P., made the following report:

M. PRESIDENT—

The committee on corporations to whom was referred a bill of the Senate to amend an act entitled "an act to incorporate the Evansville Insurance Company," approved February 8th, 1836, have duly examined the same, and have instructed me to report it, and recommend its indefinite postponement.

The report and bill were, on motion. laid on the table.

Mr. Thompson of P., from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the Senate to incorporate the Indiana Pottery Company, for the purpose of manufacturing earthen and china ware, have duly examined the bill and have instructed me to report it back with the following amendments, in which the concurrence of the Senate is requested:

1st. Strike out "commonwealth" in the 7th line of the preamble, and insert "State of Indiana."

2d. Strike out of section 11th, the word "commonwealth" and insert "State of Indiana."

The amendments of the committee were concurred in.

Mr. Sigler moved further to amend by adding the following:

"This act to be in force from and after its passage;"

Which was agreed to, the amendments considered as engrossed, the bill read a third time and passed.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the



Senate No. 2, entitled "an act to change the time of holding courts in part of the third judicial circuit with one amendment, in which the concurrence of the Senate is requested.

The amendment was concurred in by the Senate.

Mr. Thompson of P., made the following report:

MR. PRESIDENT—

The committee to whom was referred a bill from the House of Representatives to incorporate the Peru Collegiate Institute, have duly examined the same, and have instructed me to report it back without amendment.

On motion of Mr. Colerick, the bill was read a third time and passed.

Mr. Stanford made the following report:

The committee on corporations to whom was committed the bill for the incorporation of the town of Knightstown, have directed me to report the same back to the Senate with one amendment, which is by striking out the words "said corporation," in the 20th section, 10th line from bottom, and inserting "county seminary."

The amendment was concurred in, and on motion considered, read a third time passed.

Mr. Daily from the standing committee on education made the following report:

MR. PRESIDENT—

The select committee to whom was referred an engrossed bill, No. 36, from the House of Representatives, to amend the several acts for the promotion of schools in Clark's Grant, have according to order, had the same under their consideration, and have instructed me to report the following amendment, as an additional section, in which they ask the concurrence of the Senate.

The amendments were concurred in by the Senate, the amendments considered as engrossed, the bill read a third time and passed.

Mr. Ewing made the following report:

MR. PRESIDENT—

The select committee to which was referred the communication from Hon. William Polke, commissioner of the Michigan road, relative to lands yet due to said road, and other matters connected therewith, have had the same under consideration and directed me to report the following bill.

The bill in the message mentioned, was read a first and second time and referred to a select committee composed of Messrs. Ewing, Brady, Colerick and Milroy.

Mr. Colerick made the following report:

MR. PRESIDENT—

The committee to which was referred so much of the Governor's

message as relates to the southern coast of Lake Michigan, have had the same under consideration, and directed me to report the following preamble, memorial and joint resolution:

The joint resolution was read a first time, and on motion, the rules dispensed with, the joint resolution read a second time, and on motion, considered as engrossed, read a third time and passed.

Mr. Vawter made the following report:

Mr. PRESIDENT—

The select committee to which was referred a resolution directing an inquiry into the expediency of memorializing Congress to pass an act relinquishing to the several states of the Union all claim which the General Government may have to the surplus revenue which was authorized to be deposited, by the act of Congress of June 23, 1836, with the several states, have had the subject under consideration, and have directed me to report the following joint resolution and memorial.

A joint resolution and memorial of the General Assembly of the State of Indiana to the President and Congress of the United States on the subject of the surplus revenue.

The joint resolution in the message mentioned was read once, and

On motion of Mr. Vawter the rules were dispensed with, the resolution read a second and third time and passed.

On motion of Mr. Elliott,

*Resolved*, That when the Senate adjourn this evening, it will adjourn until Monday at the usual hour, and

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate, entitled as follows:

No. 6—An act to authorize the election of trustees of the Library in Pike county, and for other purposes;

No. 9—An act for the relief of James Sutfin, without amendment; And also engrossed bills, joint resolutions, and memorials of the House of Representatives, entitled as follows to-wit.

No. 55—An act to form a new county out of the county of Dearborn;

No. 58—An act to incorporate the Lawrenceburgh and Napoleon turnpike company;

No. 65—An act to amend an act entitled an act for the appointment of county surveyors and their deputies.

No. 69—An act appropriating a portion of the 3 per cent. fund due

Hancock county, and for other purposes;

No. 70—An act for the relief of Cha's Woodard, collector of Jefferson county;

No. 75—A joint resolution on the subject of a feeder taken out of the Tippecanoe river;

No. 76—A joint resolution relative to offices of the State Bank and Branches;

No. 84—An act to organize the county of De Kalb, and to locate the seat of justice thereof, and

No. 86—An act to change the name of the village of Lakeporte in Lakeport county, to Hudson.

In which engrossed bills, memorials, and joint resolutions of the House of Representatives, the concurrence of the Senate is requested.

The bill No. 55, in the message mentioned was read,

Whereupon Mr. Plummer moved to reject it. Pending which,

On motion, the Senate adjourned.

MONDAY, JANUARY 2, 1837.

The Senate assembled.

The motion pending to reject the bill of the House, No. 55, in relation to the formation of a new county out of the county of Dearborn, was withdrawn by Mr. Plummer its original mover.

On motion of Mr. Clark,

The rules of the Senate were dispensed with, the bill read a second time and referred to the judiciary committee.

The joint resolution No. 75, entitled a joint resolution on the subject of a feeder taken out of the Tippecanoe river, was read a first time; and,

On motion of Mr. Stanford,

The rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on canals and internal improvements.

On leave granted, Mr. Stanford offered the following resolution, which was adopted:

*Resolved*, That the door-keeper be instructed to furnish the House of Representatives with as many of the printed bills of the school law as will furnish each member thereof and their clerk with each a copy.

The bill No. 70, in the message of yesterday mentioned, entitled an act for the relief of Charles Woodard, collector of Jefferson county, was read once and passed to a second reading on to-morrow.

The bill No. 69, entitled an act to appropriate a part of the 3 per cent fund due Hancock county and for other purposes, was read a first time and passed to a second reading on to-morrow.

The bill No. 65, entitled an act to amend an act for the appointment of county surveyors and their deputies, was read a first and second time and referred to a select committee.

*Ordered*, That Messrs. Stanford, Bell, Crawford and Hillis be said committee.

The bill No. 58, entitled an act to incorporate the Lawranceburgh and Napoleon turnpike company, was read a first time; and

On motion of Mr. Plummer,

The rules of the Senate were dispensed with, the bill read a second time and referred to committee on corporations.

The bill No. 84, entitled an act to organize the county of DeKalb and to locate the seat of justice therein, was read a first time; and

On motion of Mr. Crawford,

The rules of the Senate were dispensed with, the bill read a second time and referred to a select committee.

*Ordered*. That Messrs. Crawford, Liston and Colerick be said committee.

The bill No. 86, entitled an act to change the name of Lakeporte in Laporte county to that of Hudson, was read once and passed to a second reading.

The joint resolution in the message mentioned, No. 76, entitled a joint resolution relative to the officers of the State Bank and Branches, was read a first time; and

On motion of Mr. Collins,

The rules of the Senate were dispensed with, the bill read a second time and referred to the standing committee on the State Bank.

The President laid before the Senate the following report of the Trustees of Hanover College; which was,

On motion of Mr. Hillis,

Laid on the table.

HANOVER COLLEGE, Dec. 14, 1836.

*To the General Assembly  
of the State of Indiana:*

In compliance with the requisition of the charter of Hanover College, the Trustees beg leave to make the fourth report of the condition and prospects of the institution under their care.

The Board have every reason to be satisfied with the unusual degree of confidence manifested by the public in Hanover College. During the past year the number of students has varied from one hundred and thirty to one hundred and seventy. The variation in numbers has been, principally, in the preparatory department of the institution.

Since our last report, our venerable President, the Rev. James Blythe, D. D., has resigned, and the Board have elected as his successor, the Rev. John Witherspoon, D. D., L. L. D., of Camden, S. Caro-

lina, who has by letter notified them of his acceptance of the office, upon the duties of which he will enter sometime during the next summer.

The faculty of the college now consists of the Rev. John Wither-  
spoon, D. D., L. L. D., President and Professor of Mental and Moral  
Philosophy, and the Evidences of Christianity. Rev. John Finley  
Crowe, D. D., Vice President and Professor of Logic, Rhetoric, His-  
tory, and Political Economy. John H. Harney, A. M., Professor of  
Astronomy, Natural Philosophy, Chemistry and Geology. The Rev.  
M. A. H. Niles, A. M., Professor of Ancient Languages. W. M. Dunn,  
A. M., Professor of Mathematics. Charles K. Thompson, A. B., Prin-  
cipal of the Preparatory Department. Minard Sturgus, A. B., and  
Samuel H. Thompson, Tutors. Prof. Niles is at present in the Eastern  
States, and his place is supplied by Mr. Noble Butler, A. B.

The College Library consists of about 1,700 volumes, exclusive of  
the libraries belonging to the literary societies, which together con-  
tain 1420 volumes, making a total of 3120 volumes.

An apparatus, sufficient to exhibit the most important experiments  
required in a course of Natural Philosophy and Chemistry, has been  
procured. The course of instruction is as extensive, and, we believe,  
studied as thoroughly as any institution in our country.

Apprised of the great demand that exists at present for Engineers,  
in carrying on the internal improvements of the country, the Board  
have established a Department for Civil Engineering and Surveying,  
where these sciences will be thoroughly taught, both theoretically and  
practically.

On the subject of manual labor, the Board have but little to add to  
their former reports. Their conviction of the practicability of con-  
necting, advantageously, physical and mental culture, remains unsha-  
ken; although want of experience and want of means may, in many  
cases, lead to disappointment. The attention of the students is, prin-  
cipally, directed to mechanical operations. A cooperage is succeed-  
ing very well; but the Board are sorry to state, that through the fail-  
ure of a business house in Cincinnati, a contract for furnishing employ-  
ment to, at least, if fifty students, in printing and book-binding, has en-  
tirely failed. Arrangements are being made to give employment to  
some extent, in horticulture.

In conclusion, the Trustees are happy to find that their efforts in the  
cause of education have met with the approbation of the public; and  
they are resolved that no efforts of theirs shall be wanting to merit the  
confidence reposed in them.

All of which is respectfully submitted.

JOHN F. CROWE,  
*Sec'y B. T. H. C.*

Mr. Milroy presented the petition of sundry citizens of White coun-  
ty, praying for an appropriation for a road from Kirk's, on the Michi-  
gan road through Frankfort, Delphi, Monticello, to Michigan City;

Which was read and referred to the same committee to whom a similar petition had been referred.

Mr. Milroy presented a petition signed by sundry individuals, citizens of the counties of Clinton, Carroll, White, Pulaski, Stark, and LaPorte, praying a similar appropriation;

Which was, on motion of same gentleman, referred to same committee to whom a similar petition had been referred.

Mr. Milroy presented the petition of William Campbell and others, citizens of Clinton and Carroll counties, praying the passage of a law authorizing each township in each county to elect three Trustees and one Clerk; which was referred to the judiciary committee.

Mr. Milroy presented the petition of John Young and others, praying that Spring creek and Wells' ripple may be made points on a certain road leading to Delphi in Carroll county;

Which was, on motion of same gentleman, referred to committee on roads.

Mr. Little presented the remonstrance of P. M. Curry and others, remonstrating against a relocation of the Madison and Lafayette, and New Albany and Crawfordsville rail roads;

Which was, on motion of the same gentleman, referred to the committee on canals and internal improvements.

Mr. Little presented the remonstrance of sundry individuals remonstrating against a change in the state road leading from Mooresville by way of Danville, to Crawfordsville;

Which was referred to the same committee to whom a petition on the same subject was referred.

Mr. Crawford presented the petition of sundry citizens of Elkhart county, on the subject of a rail road running through a tier of counties in the northern part of the State;

Which, on motion of the same gentleman was referred to the Committee on canals and internal improvements.

Mr. Crawford presented a petition praying for the relief of Lowley Downing; which was on motion of same gentleman, referred to a select committee.

*Ordered*, That Messrs. Crawford, Kennedy, and Colerick, be said committee.

Mr. Walker presented the petition of Ira Baily and others, praying for the construction of a rail road from Shelbyville to Freeport;

Which, on motion of same gentlemen, was referred to committee on canals and internal improvements.

Mr. Hoagland from committee on roads, made the following report:

Mr. PRESIDENT—

The committee on roads to which was referred a resolution of the Senate instructing said committee to inquire into the expediency of authorizing by law the relocation of roads where they now run parallel with canals and rail roads, so that both may be enclosed by one lane, where the good of the community can be secured, have according

to such instruction, had the subject matter thereof under consideration, and have directed me to report that in the opinion of said committee any legislation on that subject is at this time inexpedient, and ask to be discharged from the further consideration.

The report was concurred in.

Mr. Liston made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition and documents of certain bands of Indians, have had the same under consideration, and have directed me to report the following bill:

The bill in the report mentioned, was read a first time and passed to a second reading.

Mr. Ewing made the following report:

Mr. PRESIDENT--

The select committee to whom was referred a bill, No. 79, authorizing the Commissioner of the Michigan road, to correspond with the Commissioner of the General Land Office, &c. have, according to order, had the same under consideration, and amended it by striking out the 10th section and substituting another in lieu thereof, and have added an additional section, to be section No. 14, in which the concurrence of the Senate is requested.

The amendments were concurred in, the bill further amended, the amendments considered as engrossed, the bill read a third time and passed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The President laid before the Senate the following communication from His Excellency, the Governor:

EXECUTIVE DEPARTMENT, }  
2d Jan. 1837. }

SIR:

In reply to a resolution of the Senate in relation to the late survey of a route for a rail road from the Maumee Bay to the rapids of the Illinois river by the United States Engineer, it becomes my duty to say that this Department is not in possession of any report or communication whatever, on that subject.

Respectfully,  
N. NOBLE.

The President of the Senate.

Mr. Milroy presented the petition of sundry citizens of the counties

of Clinton, Carroll, White, Laport, Pulaski, and Stark, on the subject of a road leading from Kirk's via Frankfort, Delphi, Monticello and Laporte, to Michigan City;

Which was, on motion of same gentleman, referred to same committee to whom a similar petition was referred.

The following message was received from the House of Representatives by a member.

MR. PRESIDENT--

The House of Representatives has passed engrossed bills of the House of Representatives,

No. 141—An act to change the time of holding circuit courts in the 5th judicial circuit;

In which the concurrence of the Senate is requested.

The bill No. 141, in the message mentioned, was read a first and second time and referred to the judiciary committee.

Mr. Vawter made the following report:

The joint committee on enrolled bills, report that they have compared the enrolled bills, entitled acts, viz:

No. 2—An act to change the time of holding courts in part of the third judicial circuit;

Also bill No. 9, entitled an act for the relief of James Sutfin, with the engrossed bills;

And find the same truly enrolled.

Mr. Milroy made the following report;

Which with the bill and amendments proposed, was laid upon the table.

MR. PRESIDENT—

The select committee to whom was referred a bill to amend an act entitled an act to provide for a general system of internal improvements, approved January 27, 1736, have had the same under consideration, and have directed me, according to instructions, to report the following amendment, viz:

Strike out of the third and fourth lines from the bottom the following words, "joint ballot of both houses of the General Assembly," and and insert in lieu thereof the words, "a separate vote of the Senate and House of Representatives, each house voting by ayes and noes, and entering the same on the journals, and it shall require a majority of the votes given in each house respectively to constitute an election."

On motion of Mr. Liston, the following resolution was adopted:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill similar in its provisions to the British statute of Mortmain,

Mr. Boon offered for adoption the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire



what change if any, be necessary in the law to secure to the state the best mode of collecting the money of which David Burr is defaulter, as represented by the state board of internal improvement, with leave to report by bill or otherwise.

Mr. Morgan moved to amend by striking it out from the resolving clause and inserting,

"That the judiciary committee be instructed to inquire what amendments are necessary to the laws enforcing the collection of debts from public defaulters;"

Which amendment was not agreed to; and

On the question shall the resolution be adopted?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Claypool, Collins, Daily, Elliott, Fowler, Hackett, Hamilton, Hoagland, Kennedy, Liston, Milroy, Mitchell, Moore, Plummer, Puett, Sigler, Smith, Stanford, Stewart, Turman, Thompson of P., Trask and Vawter—30.

*And those who voted in the negative are,*

Messrs. Clark, Cole, Colerick, Crawford, Dumont, Everts, Ewing, Hillis, Little, Morgan, Stafford, Thompson of L. and Walker—13.

And so the resolution was adopted.

The following message was received from the House of Representatives, by a member:

MR. PRESIDENT—

The House of Representatives have passed an engrossed joint resolution of the Senate,

No. 52—A joint resolution in relation to the publication of a certain law, with an amendment;

In which the concurrence of the Senate is requested.

The amendment was concurred in by the Senate.

The following message was received from the House of Representatives, by a member:

MR. PRESIDENT—

I am directed to inform the Senate, that the House has passed an engrossed bill of the House, entitled an act No. 77, to incorporate the Indiana pottery company, and ask the concurrence of the Senate therein.

On motion of Mr. Daily, the following resolution was adopted:

*Resolved*, That the standing committee on the affairs of the state prison be instructed to inquire into the expediency of extending the

walls of said prison, so as to admit of the necessary number of cells, and such other regulations and extensions of said prison, as are recommended by the visiter, appointed by the executive, as provided by the 9th section of the act for the regulation of the state prison, approved Feb. 10, 1831, with leave to report by bill or otherwise.

On motion of Mr. Stanford, the following resolution was adopted:

*Resolved*, That the committee on education be instructed to inquire into the propriety of so amending the congressional school law, as to authorize the school commissioners to make semi-annual dividends of the school funds to the several township treasurers, and of authorizing said township treasurers to make similar dividends to the district treasurers; and also of repealing any law on the subject of congressional schools, which goes to the encouragement or support of any school or schools in any school district to the disadvantage or derangement of the original district school in any school district.

On motion of Mr. Cole, the following resolution was adopted:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of instructing the board of internal improvement to survey and locate a turnpike or rail road from Strawtown in the county of Hamilton on the nearest and best route to Peru in the county of Miami, as early in the ensuing summer as practicable, with leave to report by bill or otherwise.

On motion of Mr. Plummer, the following resolution was adopted:

*Resolved*, That the judiciary committee be instructed to inquire what means can be adopted most suitable to the present condition of the county of Dearborn, and best calculated to allay the excitement therein, with leave to report by bill or otherwise.

On motion of Mr. Beard the following resolution was adopted:

*Resolved*, That a select committee be appointed to inquire into the expediency of improving the Williamsport and Crawfordsville state road, by applying a portion of the 3 per cent. fund belonging to the counties through which said road passes, with leave to report by bill or otherwise.

*Ordered*, That Messrs. Beard, Hamilton and Turman be said committee.

On motion of Mr. Mitchell, the following resolution was adopted:

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of directing the board of public works to cause a survey, estimate and location of a McAdamsized turnpike road from Mauksport in Harrison county through Corydon to Salem in Washington county, with leave to report by bill or otherwise.

On motion of Mr. Ewing, the following resolution was adopted:

*Resolved*, That the committee on canals and internal improvement be instructed to inquire into the expediency of continuing the survey of the northern or Erie and Michigan canal from the mouth of Salt creek or some other suitable point westward by way of the northern Grand Calumet river to the state line, with a view to the connexion with the Illinois canal; and

On motion, the Senate adjourned.

TUESDAY, JANUARY 3, 1837.

The Senate assembled.

Mr. Elliott from the joint committee on enrolled bills made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill which originated in the Senate entitled as follows, to-wit:

No. 6—An act authorizing the election of trustees of the library in Pike county, and for other purposes, and find the same truly enrolled.

Mr. Stewart presented the petition of Simon Morgan and others, asking the vacation of a road leading from Troy, in Spencer county to Washington in Daviess county, which was,

On motion of same gentleman referred to a select committee,

*Ordered*, That Messrs. Stewart, Casey, Thompson of P., and Moore be said committee.

Mr. Liston presented the petition of sundry individuals praying a change in the name of the town of South Bend,

Which was referred to a select committee;

*Ordered*, That Messrs. Liston, Everts, and Kennedy be said committee.

Mr. Vawter presented the petition of Isham Lett and others, praying for an appropriation of a part of the 3 per cent. fund on the state road leading from Madison by way of Paris to Brownstown, to improve said road near Paris, which was,

On motion of Mr. Vawter, referred to a select committee;

*Ordered*, That Messrs. Vawter, Hillis, and Hoagland be said committee.

Mr. Brady presented the petition of Thomas Hansley and others, praying a change in the mode of doing county business in the county of Marion, which was,

On motion, laid upon the table.

Mr. Thompson of L., from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the engrossed bill of the House of Representatives, No. 141, entitled An act to change the time of holding circuit courts in the 5th judicial circuit, have directed me to report to the Senate the following amendments thereto:

Strike out the 3d and 4th lines of the 2d section, "or so long as it may be necessary for the despatch of business," and insert in lieu thereof "if the business thereof require."

In the same section strike out in the 6th and 7th lines the words "or as long as may be necessary for the despatch of business," and insert in lieu thereof "if the business thereof require."

Insert as an additional section the following:

Sec. All laws and parts of laws coming within the purview of this act, be and the same are hereby repealed.

The amendments were concurred in, and on motion considered as engrossed, the bill read a third time and passed.

Mr. Clark from the committee on canals and internal improvements made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom were referred the petitions of sundry citizens of the counties of Cass, Fulton, and St. Joseph, praying that a further improvement be made upon the Michigan road, have considered the prayer of the petitioners and have directed me to report herewith a bill entitled a bill to provide for a survey on the Michigan road, and for other purposes.

The bill in the message mentioned, was read a first time and passed to a second reading on to-morrow.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives entitled an act to incorporate the Indiana Mutual Fire Insurance Company, have duly examined the same and have instructed me to report it back without amendment, and ask to be discharged from any further consideration of said bill.

The following message was received from Mr. Maguire, the Governor's Private Secretary:

Mr. PRESIDENT—

Acts of the following titles have received the approbation and signature of the Governor, viz:

An act to authorize Ezra Baker, jr., to build a mill dam near Coffee Island, on the Wabash river;

An act to legalize the election of a probate judge in Porter county, and

An act to legalize the assessment and collection of the state and county revenue for the year 1836, in the counties of Warrick and Spencer.

Mr. Liston made the following report, which was concurred in:

Mr. PRESIDENT—

The select committee to which was referred the bill of the House of Representatives granting certain privileges to William McCartney and others, have had the same under consideration, and have directed me

to report the same back to the Senate with the following proposed amendments, to-wit:

**1st Amendment.** Strike out of the first section where they occur, the words "the head waters of the Kankakee river," and insert the following: "the north-west side of the Kankakee Pond, that lies west of the town of South Bend, in such manner that the race shall not extend beyond the southern limits of said Pond."

The report was concurred in and the amendments engrossed for a third reading

**2d Amendment.** In the second line of the 7th section, after the name Egbert insert the following: "their heirs or assigns."

On motion of Mr. Everts, the following resolution was adopted:

*Resolved,* That the committee on canals and internal improvements be instructed to report a bill to continue the survey and construction of a turnpike or rail way on the Michigan road from South Bend to Michigan City by the way of the town of Laporte, or upon the present route.

On motion of Mr. Dumont, the following resolution was adopted:

*Resolved,* That the judiciary committee inquire what amendments are necessary to the law regulating the fees of officers, with leave to report by bill or otherwise.

On motion of Mr. Claypool, the following resolution was adopted:

*Resolved,* That the committee on public buildings be directed to inquire into the propriety of appointing some competent person to take charge of the public property, and in the event of the State Library being moved to the State House, to act as librarian, and attend to the grading of the State House square, and cause a well to be dug at some convenient place to supply the fire engine with water in case of fire.

On motion of Mr. Trask, the following resolution was adopted:

*Resolved,* That the judiciary committee be instructed to report to the Senate their construction of the 7th section of the first act of the constitution of Indiana:

On motion of Mr. Stewart the following resolution was adopted:

*Resolved,* That the committee on corporations be instructed to inquire into the expediency of providing by law that the Treasurer of State shall subscribe for one third of the capital stock of the Evansville and Vincennes rail-road for and in behalf of the State of Indiana, with leave to report by bill or otherwise.

Mr. Walker offered for adoption the following resolution:

*Resolved,* That the board of public works be requested to lay before this Senate a comparative statement in tabular form, shewing the difference, if any there be, between estimates made and reported to the last legislature, and that of those contracts entered into the past summer; and likewise as near as may be, the cost of superstructures on additional works not included in the present contracts as far as the lettings have extended on each line.

Mr. Hillis moved to amend by adding the following:

"Also the probable cost of the several works when completed,"

Which was agreed to.

Mr. Vawter moved further to amend as follows:

"Also the estimate of engineers on which the contracts have been made,"

Which was also agreed to; and as amended the resolution was adopted.

Mr. Elliott made the following report.

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills entitled An act to change the name of Portersville to that of Valparaiso;

Also an act to locate a state road from Bloomington to Bloomfield;

Also an act to change the name of Mary Ann Elder Glasgo,

All of which originated in the House of Representatives, and find the same truly enrolled.

Mr. Milroy presented the petition of James H. Stewart and others, citizens of Carroll county, praying an act incorporating an insurance company, which was,

On motion of same gentleman, referred to a select committee.

Ordered, That Messrs. Milroy, Liston, and Morgan be said committee.

On leave granted, Mr. Liston introduced a bill entitled

An act regulating fees and salaries,

Which was read once and passed to a second reading.

On motion of Mr. Brady, the bill entitled

An act incorporating congressional townships, and providing for public schools therein;

Was taken from the table and referred to the committee on education.

Mr. Morgan introduced a bill entitled

An act to provide for an additional branch of the State Bank;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Claypool introduced a bill entitled

An act to amend an act entitled an act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana;

Read a first time and passed to a second reading.

Mr. Everts introduced a bill entitled

An act to amend an act organizing circuit courts and defining their powers and duties; which was read a first time, and

On motion of Mr. Liston, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Clark, the rules further dispensed with, the bill read a third time and passed.

Mr. Sigler introduced a bill entitled

An act to locate the state road from Russlesville in Putnam county, to Blakesburgh in said county:

Which was read a first time and passed to a second reading.

The following message was received from the House of Representatives, by Mr. Elliott their clerk.

MR. PRESIDENT—

The House of Representatives has passed an engrossed joint resolution of the Senate,

No. 61—A joint resolution in relation to the improvement of the Wabash river, and to authorize a compact with the State of Illinois, Without amendment.

The House of Representatives has also passed engrossed bills of the House, of the following titles, to wit:

No. 71.—An act directing the application of the three per cent. fund of the county of Putnam, and for other purposes,

No. 93—An act to repeal an act incorporating the townships in Warren county,

No. 95—An act supplemental to an act authorizing the Agent of State to make a deed to a certain lot of land adjoining Indianapolis, called brick yard lot No. 3, but which should be lot No. 1, to Wilks Reagan, approved, February 8, 1836.

No. 96—An act to amend an act entitled “an act to authorize the inhabitants of township 8, south of range 2 west, to sell their school lands, approved February 1st, 1836,

No. 97—An act to authorize the change of venue in certain cases therein named, and

No. 99—An act to incorporate the Williamsport Warren County Bridge company,

In which engrossed bills of the House of Representatives the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills entitled as follows:

No. 2, of the Senate—An act to change the time of holding the courts in part of the third judicial circuit,

No. 6, of the Senate—An act authorizing the election of Trustees of the Library in Parke county, and for other purposes,

No. 6, of the House of Representatives—An act to change the name of Mary Ann Elder Glasgo,

No. 9, of the House of Representatives—An act to locate a state road from Bloomington to Bloomfield, and

No. 15, of the House of Representatives—An act to change the name of the town of Portersville to that of Valparazo,

I am directed to bring them to the Senate for the signature of the President thereof.

The bill No. 71, in the message mentioned, was read a first time, and, on motion of Mr. Sigler, the rules of the Senate were dispensed with, the bill read a second time and referred to a select committee.

Ordered, That Messrs. Sigler, Beard, and Collins, be said committee.

The bill No. 93, was read a first time and passed to a second reading.

The bill No. 95, was read a first time, and on motion of Mr. Morgan, the rules of the Senate were dispensed with, the bill read a second time, and referred to the judiciary committee.

The bill No. 96, was read a first time and passed to a second reading.

The bill No. 97, was read a first time and passed to a second reading.

The bill No. 99, was read a first time, and on motion of Mr. Vawter the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

The President having signed the bills and joint resolutions in the message mentioned, they were handed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

The senate then proceeded to the consideration of the orders of the day.

The memorials and joint resolution No. 19, on the subject of the Cumberland road, was read a third time, and on motion of Mr. Vawter, laid on the table.

The bill No. 27, entitled an act to amend an act entitled an act to provide for the commissioning of sheriffs and coroners, and to regulate their duties, approved January 7, 1834, was read a third time and passed.

The bill No. 24, entitled, an act to amend the 9th section of an act relative to crimes and punishments, approved February 10, 1836, was read a third time and passed.

The Senate then resolved itself into a committee of the whole, on the bill entitled an act to establish a certain state road therein named, in the counties of Perry, Crawford, and Orange.

The committee of the whole arose, and Mr. Stanford the chairman of said committee, made the following report:

Mr. PRESIDENT—

The committee of the whole to whom was referred the bill of the Senate, entitled, an act to establish a certain state road therein named, in the counties of Perry, Crawford, and Orange, have had the same under consideration, and have directed me to report that they have made sundry amendments, in which the concurrence of the Senate is requested.

The amendments were concurred in, and on motion, considered as engrossed, the bill read a third time and passed, and

On motion, the Senate adjourned.

*2 o'clock, P. M*

The Senate assembled, and

On motion, adjourned.

WEDNESDAY, JANUARY 4, 1837.

The Senate assembled.

On motion of Mr. Thompson of Lawrence, the following resolution was adopted:



*Resolved, That* — be appointed a committee to wait upon the Rev. Dr. Andrew Wylie, and request of him a copy of the address delivered by him on the evening of the 3d day of January, instant, before the Convention of the friends of common school education, and that 2,000 copies of the same be printed—one half of which shall be for the use of the Senate, and the remaining half for the use of the members of said convention, with the exception of 50 copies for the use of the said Dr. Wylie.

The blank was filled with the name of Mr. Thompson of L.

The following report was received from the Treasurer of State, and laid before the Senate by the President thereof;

Which was, on motion, laid upon the table, and 200 copies ordered to be printed.

TREASURER'S OFFICE,  
Indianapolis, 2d Jan., 1837. }

HON. DAVID WALLACE,  
*President of the Senate:*

SIR—

Herewith is transmitted, to be laid before the Senate, an abstract of the returns of the School Commissioners, of the amount of tax on lands of non-residents and others, as returned for non-payment, by the collectors of their proper county.

The abstract exhibits, 1st, the amount of tax on lands and town lots returned by the collectors up to and including 1835; 2d, the amount so returned in 1836; 3d, the total amount returned; and 4th, the amount which has been paid to the school commissioners in redemption of said lands and town lots.

It will be perceived that of the 78 organized counties in the State, 29 have failed to make a return the present year, and several have altogether failed to make return for any year.

It is ascertained that many of the clerks certify the delinquent list for the collectors, without requiring the affidavits that they have made their return to the school commissioner, as is required by law. Unless this duty be enforced upon the clerks, very many of the collectors will fail to make a return to the school commissioner, and of consequence none will be made to the Treasurer of State. This report has been delayed by the want of the returns from the Commissioner, which have come in more tardy than last year.

Respectfully,

N. B. PALMER,

*Treasurer of State.*

**AN ABSTRACT of the Returns of the School Commissioners, of the amount of Tax on Lands of Non-residents and others, as returned for non-payment, by the Collectors of their proper county.**

<i>COUNTIES.</i>	<i>REMARKS.</i>			
	<i>Am't of tax returned in years previous to 1836.</i>	<i>Am't of tax returned in 1836.</i>	<i>Total am't of tax returned to School Com'rs up to 1836</i>	<i>Total amount paid in redemption up to 1836.</i>
1 Adams				
2 Allen	8 40		8 40	17 01
3 Boone				
4 Brown				
5 Bartholomew	114 44	43 29	157 73	82 56
6 Clinton	76 16	121 62	197 78	53 58
7 Carroll	67 81		67 81	
8 Cass	57 28		57 28	
9 Clark	69 14	7 53	76 67	78 15
10 Crawford		2 76	2 76	
11 Clay	33 10		33 10	
12 Dearborn	314 13	13 40	327 53	143 13
13 Decatur	10 00	1 31	11 31	14 00
14 Dubois				
15 Delaware	1 20		1 20	6 26
16 Daviess	258 29	34 09	292 38	467 34
17 Elkhart				

No return for any year  
do do  
Return contains only amount paid in redemption  
No return for any year  
  
No return for 1836.  
do do  
  
No return for 1836.  
  
No return for any year.  
Return only of redemption this year.  
  
No return for any year.

18 Fountain	22 07	43 28	65 35	127 47	No return for any year
19 Floyd					
20 Franklin	179 60	23 97	203 57	272 32	No return for 1836.
21 Fayette	22 66		22 66	25 32	
22 Fulton		59 27	59 27		
23 Gibson	37 06	19 56	56 62	62 76	
24 Grant					No return for any year.
25 Green	112 49		112 49		No return for 1836.
26 Huntington					No return for any year.
27 Harrison	36 33		36 33		No return for 1836.
28 Hendricks	31 00	20 89	51 89	61 09	No return for 1836.
29 Hancock	36 00	62 11	98 11	155 30	No return for 1836.
30 Hamilton	10 14	7 36	17 50	17 33	No return for 1836.
31 Henry	37 45		37 45	12 05	
32 Jackson	113 81	31 62	145 43	82 79	Returned only redemption this year.
33 Jennings	31 52	6 64	38 16	25 95	
34 Jefferson	143 50		143 50	151 28	No return since 1834.
35 Johnson	32 91	8 52	41 43	49 10	No return.
36 Jay					
37 Knox	982 43	37 16	1,019 59	223 53	No return.
38 Kosciusko					
39 Lawrence	149 38	54 37	203 75	221 92	No return for 1836.
40 Laporte	203 35		203 35	15 04	No return for any year.
41 Lagrange					
42 Miami	91 35	52 74	144 09	56 26	
43 Montgomery	319 58	14 93	334 51	396 89	
44 Morgan	17 53		17 53		No return for 1836.
45 Marion	257 12	202 02	459 14	383 26	

46 Madlson	226 46	26 07	26 07	76 25	No return previous to 1836.
47 Martin	36 92	87 06	213 52	36 00	Return only for redemption this year.
48 Monroe			36 92		No return.
49 Marshall					No return.
50 Noble	32 72		32 72	23 07	No return for 1836.
51 Orange	21 84		21 84	81 43	Return only for redemption this year.
52 Owen	21 62		21 62	10 80	No return for 1836.
53 Parke	48 72	15 09	63 81	70 61	No return for any year.
54 Posey				65 14	
55 Perry	126 81	1 65	128 46	5 52	No return.
56 Pike	32 79		32 79		No return for 1836.
57 Putnam					No return for any year.
58 Porter	216 59	20 65	237 24	235 05	
59 Ripley	37 55		37 55	69 99	No return.
60 Randolph	110 68	83 56	194 24	106 48	No return for 1836.
61 Rush	34 02	274 16	308 18	3 01	No return for any year.
62 St. Joseph					Return only of redemption, this year.
63 Scott	274 41	9 20	283 61	109 43	
64 Switzerland	26 24		26 24	17 61	
65 Spencer	131 61	21 74	153 35	262 62	
66 Shelby	18 20	9 87	28 07	19 76	
67 Sullivan	434 74		434 74	193 04	Return only for redemption, this year.
68 Tippecanoe	78 59		78 59	87 68	do do do
69 Union	103 27	22 58	125 85	199 23	
70 Vermillion	185 51		185 51	155 02	No return for 1836.
71 Vanderburgh	388 64		388 64	120 32	No return for 1836.
72 Vigo	19 07	82 58	101 65		
73 Wabash					

74 Warren	137 85	6 09	143 94	68 71	No return for 1836. Amount of redemption only, returned for 1836.
75 Washington	48 83		48 83	23 50	
76 Warlick	4 93		4 93	5 84	
77 Wayne	22 65	13 00	35 66	37 79	
78 White					No return for any year.
			\$3,142 34	\$5,265 59	

It will be seen by this table, that the total amount of tax returned to the School Commissioners' books, (as far as returns have been made to this office) is \$8,142 34, to which may be added 50 per cent. as a penalty for non-payment, making an aggregate of \$12,213 51, exclusive of the accumulating interest at the rate of 100 per cent. per annum from date of return to School Commissioner. Of this tax and penalty, the returns show that there has been paid to school commissioners, in redemption of lands and lots, the sum of \$5,265 59.

But as the returns have been so partial, and in many instances imperfect, it is fair to presume that not more than two-thirds of the amount of tax or redemption, has been reported to this office.

Mr. Thompson of Lawrence, made the following report:

**M. PRESIDENT—**

The judiciary committee to which was referred the resolution of the Senate, instructing an inquiry into the expediency of amending the laws so as to authorize special sessions of the circuit courts in certain cases, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged.

Mr. Thompson of Lawrence, from the judiciary committee, made the following report:

**Mr. PRESIDENT—**

The judiciary committee to which was referred the petition of Rezin H. Davis, and other citizens of Shelby county, praying the legalizing the sale of the south-east quarter of section 16, in Congressional township No. 14, in said county, have directed me to report a bill.

The bill in the report mentioned, entitled "an act legalizing the sale of the south-east quarter of section No. 16, in Congressional township No. 14, in Shelby county, was read a first time, and

On motion of Mr. Walker, the rules of the Senate were dispensed with and the bill read a second time and engrossed for a third reading.

Mr Thompson of Lawrence, from the judiciary committee, made the following report:

**Mr. PRESIDENT—**

The Judiciary committee to which was referred the resolution of the Senate, instructing an inquiry into the expediency of adopting some means more suitable to the present condition of the county of Dearborn, and best calculated to allay the excitement therein have directed me to report the following bill:

The bill in the message mentioned entitled an act for the relief of Dearborn county, was read a first time, and

On motion of Mr. Smith, the rules of the Senate were dispensed

with, the bill read a second time, and on motion of Mr. Milroy, indefinitely postponed.

Mr. Thompson of Lawrence, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the engrossed bill of the House of Representatives, entitled "a bill to form a new county out of the county of Dearborn," have considered the same, and have directed me to report it back to the Senate without amendment, and recommend the indefinite postponement thereof.

Mr. Morgan moved to refer the bill and accompanying documents back to the judiciary committee, with power to send for persons and papers; and

On the question shall it be so referred?

*Those who voted in the affirmative are,*

Messrs. Bell, Brady, Casey, Clark, Claypool, Cole, Collins, Crawford, Everts, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Kennedy, Milroy, Mitchell, Moore, Morgan, Puett, Stewart, Turman, Thompson of L., Thompson of P. and Trask—26.

*Those who voted in the negative are,*

Messrs. Beard, Boon, Bradberry, Chambers, Colerick, Daily, Dobson, Dumont, Dunning, Elliott, Liston, Little, Plummer, Sigler, Smith, Stafford, Stanford, Thompson of J., Vawter and Walker—20.

And so the bill was re-committed.

Mr. Boon made the following report:

Mr. PRESIDENT—

The committee on claims to whom was referred the petition of Robert Wilson, have had the same under their consideration and have instructed me to report a bill for his relief, which is herewith submitted for the consideration of the Senate.

The bill in the report mentioned, was read a first time; and

On motion of Mr. Little,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Claypool,

Laid upon the table.

Mr. Thompson of P., made the following report:

**MR. PRESIDENT—**

The select committee to whom was referred so much of the Governor's message as relates to the surplus revenue, have taken the subject under consideration, together with several resolutions of reference to the committee, and a majority of the committee have instructed me to report the following bill, entitled,

An act to provide for the loaning of so much of the surplus revenue of the United States as this state may be entitled to and receive, by virtue of an act of Congress, approved June 23, 1836;

In which report the committee respectfully ask the concurrence of the Senate.

The bill in the message mentioned, was read a first time; and

On motion of Mr. Dumont,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Collins,

Laid upon the table and two hundred copies ordered to be printed.

Mr. Cole made the following report:

**MR. PRESIDENT—**

The select committee to which was referred the petition of Daniel Huton and others, to vacate the town of Georgetown in Boone county, have directed me to report a bill.

The bill in the report mentioned, entitled an act to vacate the town of Georgetown,

Was read a first time and passed to a second reading on to-morrow.

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

On motion the report of Mr. Dumont on the subject of the school laws, was taken from the table and referred to the committee on education.

Mr. Crawford from a select committee, made the following report:

**MR. PRESIDENT—**

The select committee to whom was referred the petition of Lowley Downing, praying the passage of a law to authorize her to sell a tract of land, have had that subject under consideration, and have directed me to report the following bill:

The bill in the message mentioned, entitled an act authorizing Lowley Downing to sell and convey a certain tract of land therein named, was read a first time and passed to a second reading.



Mr. Crawford from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill to organize the county of DeKalb, and locate the seat of justice therein, have had that subject under consideration, and have directed me to report the bill back with two amendments, and ask the concurrence of the Senate.

The amendments to the bill in the report mentioned, were severally concurred in, and engrossed for a third reading on to-morrow.

Mr. Liston from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of John Brown and John H. Jones and others, relative to a survey of a harbor on Lake Michigan, have instructed me to introduce the following joint resolution:

The joint resolution in the report mentioned, was read a first time; and,

On motion of Mr. Liston,

The rules of the Senate were dispensed with, the resolution read a second time; and

On motion of Mr. Crawford,

The rules were further dispensed with, the bill read a third time and passed.

Mr. Trask made the following report:

Mr. PRESIDENT—

The select committee to which was referred the resolution relating to the boundary line of Grant county and others have duly examined the same and report through me, the following bill:

The bill in the report mentioned, entitled an act to define the boundary line of Grant county, was read a first time and passed to a second reading.

On motion,

The Senate adjourned.

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THURSDAY, JANUARY 5, 1837.

The Senate assembled.

Mr. Fowler presented the petition of sundry citizens of the counties

of Bartholomew and Decatur, praying a change in the state road leading from Shelbyville to Vernon; which was,

On motion of Mr. Fowler, referred to a select committee.

*Ordered*, That Messrs. Fowler, Walker and Vawter be said committee.

Mr. Dunning presented the remonstrance of David Rogers and others, remonstrating against Spencer being made a point in the McAdamized road leading from Jeffersonville to Crawfordsville; which was,

On motion of the same gentleman, referred to the standing committee on canals and internal improvements.

Mr. Sigler presented the remonstrances of Benjamin Parsons and others, and Alexander Black and others, remonstrating against Spencer being made a point in the McAdamized road leading from Jeffersonville to Crawfordsville; which was,

On motion of Mr. Sigler, referred to the committee on canals and internal improvements.

Mr. Thompson of Perry presented the proceedings of the citizens of the town of Troy in the county of Perry, praying for the survey of a rail or turnpike road leading from Troy to Jasper in Dubois county; Which was referred to a select committee.

*Ordered*, That Messrs. Thompson of P., Stewart and Casey be said committee.

Mr. Boon presented the petition of F. W. Emons, for the relief of P. Emons;

Which was referred to the committee on claims.

Mr. Conwell presented the petition of sundry individuals, praying for an additional branch of the State Bank at Laurel;

Which was referred to the standing committee on the State Bank.

Mr. Hoagland presented the petition of sundry individuals in the township of Vienna in the county of Scott, praying for an additional justice of the peace in the town of Vienna;

Which was referred to a select committee.

*Ordered*, That Messrs. Hoagland, Vawter and Hackett be said committee.

Mr. Conwell presented the petition of sundry individuals, praying for commissioners to be appointed to locate a state road leading from Laurel to Greensburgh; which was,

On motion of same gentleman, referred to a select committee.

*Ordered*, That Messrs. Conwell, Beard and Fowler be said committee.

Mr. Dunning presented the petition of John W. Lee and others, praying for the relief of the said Lee;

Which was referred to the committee on claims.

Mr. Dunning presented the petition of James Parks and others, citizens of Monroe county, praying for an appropriation of a part of the 3 per cent. fund due Monroe county to the state road between Daniel Stout's and the Owen county line;

Which was referred to a select committee.

*Ordered*, That Messrs. Dunning, Thompson of L. and Thompson of P. be said committee.

The following message was received from the House of Representatives by Mr. Morris a member:

MR. PRESIDENT—

The House has passed an engrossed bill of the House, No. 158, entitled an act to provide for a special session of the Marion circuit court;

In which the concurrence of the Senate is requested.

The bill in the message mentioned, was read a first time; and

On motion of Mr. Brady the rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Brady, the rules of the Senate were further dispensed with, the bill read a third time and passed.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that they have concurred in the amendments of the Senate to the engrossed bills of the House of Representatives, entitled,

No. 13—An act for the incorporation of the town of Knightstown, &

No. 36—An act to amend the several acts for the promotion of schools in Clark's grant.

The House of Representatives have passed a joint resolution, entitled,

No. 49—A joint resolution of the General Assembly of the State of Indiana, in relation to ports of entry;

In which the concurrence of the Senate is respectfully requested.

The joint resolution in the message mentioned, was read a first and passed to a second reading.

Mr. Smith moved to re consider the vote given yesterday on a resolution to print 2,000 copies of Dr. Wylie's address on the subject of common schools, delivered before the education convention; and

On the question shall the vote be re-considered?

*Those who voted in the affirmative are,*

Messrs. Boon, Crawford, Dobson, Hamilton, Kennedy, Milroy, Moore, Puett, Smith, Stewart, Turman and Thompson of P., 12.

*Those who voted in the negative are,*

Messrs. Beard, Bell, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Daily, Dumont, Dunning,

Elliott, Everts, Ewing, Fowler, Hackett, Hillis, Hoagland, Liston, Little, Mitchell, Plummer, Sigler, Stafford, Stanford, Thompson of L., Thompson of J., Trask, Vawter and Walker—34.

And so the vote was not re-considered.

Mr. Vawter made the following report:

The joint committee on enrolled bills report that they have compared the following bills and joint resolutions:

No. 47—An act to incorporate the Trustees of the Indiana Asbury University;

No. 52—A joint resolution relative to the publication of a certain law;

No. 61, a joint resolution in relation to the improvement of the Wabash river, and to authorize a compact with the state of Illinois, with the engrossed,

And find the same truly enrolled.

Mr. Colerick made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements, to which was referred the petition of L. P. Ferry and others therein, praying for the passage of a law, authorizing the board of internal improvement to lease certain surplus water for hydraulic purposes to John B. Biquette and heirs, have had the same under consideration and directed me to report the following bill:

The bill in the message mentioned, was read a first time and passed to a second reading.

On motion of Mr. Cole, the following resolution was adopted:

*Resolved*, That the Senate adjourn *sine die* on Monday the 30th day of January, the House of Representatives concurring therein.

Mr. Vawter made the following report:

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor, for his approval and signature, the following enrolled bills, which originated in the Senate:

No. 2—An act to change the time of holding the courts in part of the third judicial circuit;

No. 6—An act authorizing the election of trustees of the library in Pike county, and for other purposes;

Also enrolled bills of the House of Representatives,

No. 6—An act to change the name of Mary Ann Elder Glassgo;

No. 9—An act to locate a state road from Bloomington to Bloomfield.

No. 15—An act to change the name of the town of Portersville to that of Valparaiso.

Mr. Moore proposed for adoption the following resolution:

*Resolved*, That when a member of the Senate leaves the Senate chamber to keep from the responsibility of voting, every such omission of duty shall be recorded on the journal as "bolted."

On motion of Mr. Dunning,

The resolution was amended by adding the following: "and those who do not vote when present, shall be recorded as 'bolted.'"

On motion of Mr. Dobson,

The resolution was amended as follows: "*Provided*, that the provisions of this resolution shall extend only to the Senator from Knox, Daviess and Martin;"

Which amendment was agreed to; and

On motion, the resolution was laid on the table.

On leave granted, Mr. Cole introduced a bill entitled, "an act to amend an act regulating clerks of circuit courts;"

Which was read a first time; and

On motion, the rules of the Senate were dispensed with, the bill read a second time, and referred to the judiciary committee.

Mr. Fowler introduced a bill entitled an act to incorporate the town of Greensburgh in the county of Decatur;

Which was read a first time; and

On motion of Mr. Fowler,

The rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on corporations.

Mr. Crawford introduced a bill entitled an act supplemental to an act entitled an act for opening and repairing public roads and highways, approved Feb. 10, 1831;

Which was read once and passed to a second reading.

Mr. Plummer introduced a bill entitled an act;

Which was read a first time and passed to a second reading.

Mr. Crawford introduced a bill entitled an act providing for a survey, estimate and construction of a rail road from the east line of the state to the Erie and Michigan canal in Elkhart county;

Which was read a first and second times; and

On motion of Mr. Crawford, referred to the committee on canals and internal improvements.

Mr. Stewart introduced a bill entitled an act locating a state road;

Which was read a first time; and

On motion of Mr. Stewart,

The rules of the Senate were dispensed with, the bill read a second time; and,

On motion, the rules were further dispensed with, the bill read a third time and passed.

On motion of Mr. Dumont,

The standing committee on education obtained leave of absence for a few days; and

On motion, the Senate adjourned.

2 o'clock P. M.

The Senate assembled.

Mr. Vawter made the following report:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives of the following titles, to-wit:

No. 36—An act to amend the several acts for the promotion of schools in Clark's grant; and also

No. 14—An act to incorporate the Peru collegiate institute;

No. 141—An act to change the time of holding circuit courts in the fifth judicial circuit; and

No. 54—An act to appropriate a part of the 3 per cent. fund on the Rome and Paoli state road within the county of Orange;

And find the same truly enrolled.

The Senate then proceeded to the consideration of the orders of the day.

The bill of the House of Representatives entitled an act authorizing William McCartney, sr. to cut a race from the head of the Kankakee pond, into the St. Joseph, was read a third time; and

On motion of Mr. Everts,

Referred to the same select committee to whom it was previously committed, with instructions as follows:

*Provided*, That in no event shall the waters of the Kankakee be diverted from their natural current westward to the Illinois river, so as to lessen the quantity of water flowing down the Big Kankakee river.

Mr. Thompson moved to amend the instructions as follows, which was agreed to:

And that in no event shall they be allowed damage for any injury to said race, by the passage across the same of any canal, rail or turnpike road constructed by the state, or for the diversion of the water therefrom if required for the public use, and also that the state shall only pay for such portions of the work as shall be applied to the use of the state.

The bill of the Senate entitled an act to locate a state road from Russlesville in Putnam county, to Blakesburgh in said county, was read a third time and passed.

The bill of the Senate, entitled an act to incorporate the Indiana Mutual Fire Insurance Company was read a third time and passed.

The bill of the Senate, entitled an act legalizing the sale of the south east quarter of section No. 16 in Congressional township No. 14, in Shelby county, was read a third time and passed.

The bill of the Senate, entitled an act to organize the county of DeKalb and locate the county seat thereof, was read a third time and passed.

On motion, the Senate resolved itself into a committee of the whole, Mr. Clark in the chair, on a bill entitled an act repealing certain spe-

cial acts now in force in several counties of this state, relative to the jurisdiction and duties of justices of the peace;

The committee arose and Mr. Clark the chairman reported that the committee had sat, made one amendment, which was to strike it out from the enacting clause, and had instructed him to ask the concurrence of the Senate.

The amendment was concurred in; and

On motion of Mr. Brady indefinitely postponed.

The bill of the Senate, entitled an act repealing certain laws now in force in several counties of the state, regulating the mode of doing county business therein; and

On motion of Mr. Clark, indefinitely postponed, the committee of the whole having been discharged.

The bill of the Senate, entitled an act amendatory of an act entitled an act regulating the mode of doing county business in the several counties of this state, approved Jan. 19, 1831, was engrossed for a third reading, the committee of the whole having been discharged.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

**MR. PRESIDENT—**

The House of Representatives have passed an engrossed bill of the Senate,

No. 69—entitled an act to incorporate the Indiana pottery company for the purpose of manufacturing earthen ware and China, without amendment.

The Senate resumed the orders of the day.

The bill of the Senate, entitled an act to organize the county of Wells, was read a second time; and

On motion of Mr. Boon, laid on the table.

The bill of the Senate, entitled an act for the formation of Pleasant Run school district, was read a second time; and

On motion of Mr. Milroy,

The rules of the Senate were dispensed with, the bill read a third time and passed.

On motion of Mr. Liston, the bill entitled an act to organize the county of Wells, was taken from the table and referred to a select committee.

*Ordered*, That Messrs. Liston, Colerick and Crawford be said committee.

The bill to provide for an additional justice of the peace in Franklin township, Owen county, was read a second time, and referred to a select committee.

*Ordered*, That Messrs. Dobson, Hoagland, Vawter and Hackett, be the said committee.

The bill of the Senate, entitled an act relative to evidence, was read a second time, and referred to the judiciary committee.

The memorial and joint resolution, relative to the distribution of the surplus revenue of the United States, was read a second time; and

On motion,

The Senate adjourned.

## FRIDAY, JANUARY 6, 1837

The Senate assembled.

Mr. Dumont introduced the petition of William C. Keen and others, citizens of the county of Switzerland, on the subject of receiving and distributing the proportion of the surplus revenue which would be allotted to said county; which was read, and on motion of Mr. Dumont, referred to the standing committee on canals and internal improvements.

Mr. Dunning presented the petition of John Orchard and others, citizens of the counties of Monroe, Lawrence, and Johnson, praying a change in the state road leading from Indianapolis to Leavenworth, between Bedford and the crossing of Clear creek;

Which was, on the motion of Mr. Dunning, referred to a select committee.

*Ordered*, That Messrs Dunning, Thompson of L., and Thompson of P., be the said committee.

Mr. Thompson of L., introduced the petition of sundry citizens of the counties of Monroe, Morgan, and Lawrence, praying for a change in the state road leading from Indianapolis to Leavenworth, between Bedford and Clear creek; which was, on motion of Mr. Thompson, referred to the same committee to whom a former petition on the same subject had been referred.

Mr. Hoagland presented the petition of James Wilson and others, praying for a rail road from Columbus in Bartholomew county, to Jeffersonville; which was, on motion of the same gentleman, referred to a select committee.

*Ordered*, That Messrs. Hoagland, Dunning, Stafford, and Daily, be said committee.

Mr. Thompson of L., from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the bill of the Senate entitled "a bill relative to evidence," have directed me to report the same back to the Senate, and recommend the following amendment:



Insert after the word *bonds* in the 4th line, the words "*and copies of records of deeds.*"

The amendments to the bill in the report mentioned was concurred in and the bill engrossed for a third reading.

On motion of Mr. Dunning, Mr. Stafford was added to the judiciary committee.

Mr. Thompson of L., made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate instructing an inquiry into the expediency of amending the act regulating crime and punishment, approved February 10th, 1831, so that it be made a criminal offence for public officers, entrusted with the care or disbursement of public money, to apply it to their own purposes, or fail to pay over or account for the same according to law, have directed me to report the following bill.

The bill in the report mentioned, was read a first time and passed to a second reading on to-morrow.

Mr. Thompson of L., from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing an inquiry into the expediency of reporting a bill similar in its provisions to the British statutes of Mortmain, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Thompson of L., from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the petition of John Campbell and others, citizens of Clinton and Carroll counties, praying for certain amendments to the laws respecting township officers, have directed me to report that it is inexpedient to legislate on the subject of said petition, and ask to be discharged from the further consideration thereof.

Ordered, That the committee be discharged.

Mr. Thompson of Lawrence, from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the bill of the Senate entitled a bill to amend the act entitled "an act concerning clerks of circuit courts," have, after consideration, directed me to report the

same back to the Senate, and recommend the indefinite postponement thereof.

The report was concurred in and the bill indefinitely postponed.

Mr. Thompson of L., from the judiciary committee, made the following report:

Mr. PRESIDENT

The judiciary committee to which was referred an engrossed bill of the House of Representatives, entitled "a bill supplemental to an act authorizing the Agent of State to make a deed to a certain lot of land adjoining Indianapolis, called Brickyard lot No. 3, but which should be lot No. 1, to Wilks Reagin," approved February 8th, 1836, have, after consideration, directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The report was concurred in, the committee discharged, and the bill ordered to a third reading.

The following message was received from the House of Representatives by Mr. Elliott their clerk;

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the Senate,

No. 47—An act to incorporate the trustees of the Indiana Asbury University;

No. 61—A joint resolution in relation to the improvement of the Wabash river, and to authorize a compact with the state of Illinois, and

No. 52—A joint resolution in relation to the publication of a certain law; and enrolled bills of the House of Representatives;

No. 14—An act to incorporate the Peru Collegiate Institute, and

No. 36—An act to amend the several acts for the promotion of schools in Clark's Grant;

I am directed to bring them to the Senate for the Signature of the President thereof.

The House has concurred in the amendment made by the Senate to bill No. 141, of the House of Representatives entitled an Act to change the time of holding courts in the fifth judicial circuit.

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives entitled as follows;

No. 54—An act to appropriate a part of the three per cent. fund on the Rome and Paoli state road, in the county of Orange;

No. 141—An act to change the time of holding circuit courts in the 5th judicial circuit;

I am directed to bring them to the Senate for the signature of the President thereof.

The President having signed the bills and joint resolutions in the

message mentioned, they were handed to the committee on enrolled bills to be handed to the Governor for his approval and signature.

Mr. Thompson of L., made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate instructing an inquiry into the policy of providing by law for judgments of circuit courts in cases of appeals from the judgment of justices of the peace, to have a lien upon the real estate of the party against whom such judgment is rendered in the circuit court from the time such appeal was taken from the judgment of the justice, have ordered me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged from the further consideration of the subject.

Mr. Beard from the committee on roads made the following report:

Mr. PRESIDENT—

The committee on roads to whom was referred several resolutions directing an inquiry into the expediency of amending the road laws, have had the subject matter of said resolutions under their consideration and directed me to report the following bill:

The bill in the report mentioned was read a first time and passed to a second reading.

Mr. Stewart from the committee on roads made the following report:

Mr. PRESIDENT—

The committee on roads to whom was referred the resolution of the Senate instructing them to inquire into the propriety of so amending the laws of this state, that in all cases where roads run, or are laid out on the lands of two or more landholders, each landholder shall contribute equally to the road or roads running between them, has had the same under consideration and directed me to report that it is inexpedient to legislate on that subject, and the committee ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Brady made the following report:

Mr. PRESIDENT—

The committee on the affairs of the town of Indianapolis to whom a resolution of the Senate was referred directing an inquiry into the expediency of selling all the lots in and adjoining the town of Indianapolis, have, according to order had the same under consideration, and have directed me to report the following bill:

The bill in the message mentioned, was read a first time and passed to a second reading.

Mr. Claypool made the following report:

Mr. PRESIDENT—

The joint committee to whom was referred so much of the Governor's message as relates to the public buildings, and marking and defacing the State House, as also two other resolutions; one directing an inquiry into the expediency of removing the offices of Secretary of State, Auditor of Public Accounts, and the State Library to the State House: the other directing an inquiry into the propriety of appointing a competent person to take charge of the State House, superintend the grading of the State House square, with other suitable improvements for the safety and ornament of the state property, report that they have given the subject matter contained in said resolutions due consideration, and present to the Senate the following as the result of their deliberations:

The committee are of opinion that no legislative action is necessary on that part of the Governor's message which relates to marking and defacing the State House, it being sufficiently provided for by an "act to provide for the furnishing and preservation of the State House," approved February 7, 1835. And that it is inexpedient at this time to provide for the removal of the offices of Secretary of State, and Auditor of Public Accounts to the State House, and therefore ask to be discharged from the further consideration of those subjects;

And to carry into effect the other subject matter contained in the resolutions referred, the committee have directed me to report the following bill;

The bill in the message mentioned entitled "an act for the preservation of the State House, and for other purposes;"

Was read a first time and passed to a second reading.

Mr. Collins made the following report:

Mr. PRESIDENT—

The committee on the State Bank to whom was referred a joint resolution relative to officers of the State Bank and Branches, have according to order had the same under consideration, and have instructed me to report the same to the Senate without amendment, and ask to be discharged from the further consideration of the same.

The report was concurred in, the committee discharged, the bill ordered to a third reading.

Mr. Collins made the following report:

Mr. PRESIDENT—

The committee on the State Bank to whom was referred a resolution of the Senate instructing them to inquire into the expediency of providing by law for the appointment of some competent and disinterested person to visit and inspect the condition and affairs of each

Branch Bank of the State of Indiana, and report the same to the next General Assembly for the purpose of more effectually carrying into effect the 42d section of the act entitled "an act establishing a State Bank," have according to order had the same under consideration, and have instructed me to report that in their opinion legislation upon the subject matter thereof, at this time is inexpedient, and ask to be discharged from the further consideration thereof;

*Ordered*, That the committee be discharged.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee to which was referred the resolutions and petition of the citizens of Troy and the circumjacent country, for a turnpike or rail road from that point on the Ohio river to intersect the Central Canal via Jasper, have instructed me to report the following bill, entitled

A bill to provide for a survey for a rail or turnpike road from Troy, in Perry county to the Central Canal.

The bill in the report mentioned was read a first time and passed to a second reading.

Mr. Cole made the following report:

Mr. PRESIDENT—

The committee on roads to which was referred the petition of James A. Jones and others, to relocate a part of the Noblesville and Anderson-town state road, have had the same under consideration, and have directed me to report the following bill:

The bill in the report mentioned was read a first time and passed to second reading.

Mr. Conwell made the following report:

Mr. PRESIDENT—

The select committee to which was referred the resolution of the Senate instructing an inquiry into the expediency of so changing the road law as to authorize each township to elect three road inspectors to supervise the roads in each township, and to receive and lay out all the road revenue in said township, and make any more essential changes in any of the roads, have directed me to report the following bill:

The bill in the report mentioned was read a first time and passed to a second reading.

Mr. Stewart made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Simon Morgan and others, praying for the vacation of a certain state road therein named, have had the same under consideration, and have instructed me to report the following bill:

The bill in the report mentioned, was read a first time; and  
On motion of Mr. Stewart, the rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Boon, the rules were further dispensed with, the bill read a third time and passed.

Mr. Hoagland made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition of Michael Swope and others, citizens of Scott county, praying an additional justice of the peace to reside in the town of Vienna;

Also a bill of the House, No. 21, authorizing the election of an additional justice of the peace in Franklin township in Owen county, have directed me to report the said bill of the House of Representatives back with one amendment;

In which the concurrence of the Senate is requested.

The amendment was concurred in; and

On motion of Mr. Hoagland,

Considered as engrossed and read a third time and passed.

Mr. Elliott made the following report:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill, No. 158 of the House of Representatives, entitled an act to provide for a special session of the Marion circuit court;

And find the same truly enrolled.

On motion of Mr. Everts, the previous orders of the day were suspended and the orders of the day taken up.

The bill amendatory of an act entitled an act regulating the mode of doing county business in several counties, was read a third time and passed.

The joint resolution and memorial relative to the surplus revenue of the United States, was read a second time.

On motion of Mr. Brady, the resolution was amended as follows, viz:

Insert after the words "continuity of said law," "and the distribution thereof shall be made according to a census taken biennially in the different states, and agreeably to Representative numbers;"

Which was not agreed to.

Mr. Kennedy moved further to amend as follows:

Strike out from the word "distribution" to the 2d resolution and insert the following:

Meets with the approbation of the citizens of this state; and that it would be highly gratifying to the feelings of the citizens of this state, and conducive to the well being of this confederacy at large, that there be a law passed by Congress, making said surplus revenue as distributed, an absolute gift to the several states: Therefore,

*Be it resolved*, That our Senators and Representatives in Congress be requested to use their best exertions to procure the passage of such a law.

Pending which, on motion of Mr. Mitchell,

The resolution and amendments were laid upon the table.

The bill to repeal a part of the act in reference to the Crawfordsville, Covington and Jeffersonville road, was read a second time and passed to a third reading.

The memorial and joint resolution of the House of Representatives of the General Assembly of the State of Indiana, asking an appropriation for the public works at Michigan City, was read a third time and passed.

The bill entitled a bill relating to state roads, was read a second time; and

On motion of Mr. Dunning,

Referred to a select committee.

*Ordered*, That Messrs. Dunning, Vawter and Hoagland be said committee.

The memorial and joint resolution entitled a memorial and joint resolution on the subject of donating to the soldiers in the last war, certain lands, was read a second time; and

On motion of Mr. Clark, laid on the table.

The memorial and joint resolution on the subject of the purchase of the Louisville and Portland Canal stock, was read a second and third times and passed.

The bill of the House of Representatives, to incorporate the St. Joseph manual labor institute, was read a second time and passed to a third reading.

The bill declaring a certain road therein named a state road, was read a second and third times and passed.

The bill to authorize the commissioner of the reserve township of seminary land to sell certain lands therein named, was read a second time; and

On motion of Dunning, read a third time and passed.

The joint resolution authorizing the appointment of a committee to revise, compile and digest the statutory laws, was read a third time and passed.

The memorial and joint resolution on the subject of the franking privilege, was read a second time, and

On motion, laid on the table.

The joint resolution authorizing the call of a convention to amend the Constitution of the State of Indiana, was read a second time; and

On motion of Mr. Brady, laid on the table.

The bill amendatory of an act entitled an act regulating the practice in suits at law, approved January 29, 1831, was read a second time;

Mr. Clark moved to indefinitely postpone it; and

On the question shall it be postponed?

*Those who voted in the affirmative, are*

Messrs. Beard, Bell, Clark, Claypool, Conwell, Crawford, Dobson, Everts, Ewing, Fowler, Hamilton, Kennedy, Liston, Moore, Plummer, Puett, Stewart, Turman, Thompson of L., Thompson of J., and Trask—21.

*Those who voted in the negative are,*

Messrs. Boon, Bradberry, Brady, Casey, Chambers, Cole, Colerick, Collins, Daily, Dunning, Elliott, Hackett, Hillis, Hoagland, Little, Milroy, Sigler, Stanford, Thompson of P., and Walker—20.

And so the bill was indefinitely postponed.

The bill to amend an act to license and regulate taverns and groceries, approved Feb. 3, 1832, was read a second time; and

On motion of Mr. Little,

Referred to a committee of the whole for to-morrow,

The bill to declare the law now in force on the subject of granting license to vend foreign merchandise, and retail spiritous liquors, was read a second time; and

Pending motions to amend,

On motion,

The Senate adjourned.

SATURDAY, JANUARY 7, 1837.

The Senate assembled.

Mr. Vawter from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills report that they have compared the enrolled bill, No. 69, which originated in the Senate, entitled an act to incorporate the Indiana pottery company, for the purpose of manufacturing earthen ware and China, with the engrossed bill, and find the same truly enrolled.

The following message was received from the House of Representatives by Mr. Elliott, their Clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled bill of the House of Representatives, entitled,

No. 158—An act to provide for a special session of the Marion circuit court,



I am directed to bring it to the Senate for the signature of the President thereof.

The President having signed the bill in the message mentioned, it was handed to the committee on enrolled bills to be handed to the Governor for his approval and signature.

Mr. Sigler presented the remonstrance of Thomas Nelson and others, remonstrating against Spencer being made a point in the Jeffersonville and Crawfordsville road; which was,

On motion of Mr. Sigler, laid on the table.

On leave granted, Mr. Chambers introduced a bill entitled an act to establish a certain road therein named;

Which was read a first time; and

On motion of Mr. Chambers,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Clark,

The rules were further dispensed with, the bill read a third time and passed.

Mr. Ewing introduced the petition of Ebenezer Ward and others, praying for a state road from Rochester to Monticello; which was,

On motion of same gentleman, referred to the committee on canals and internal improvements.

The following message was received from the Governor by Mr. Maguire his private Secretary:

MR. PRESIDENT—

I am requested by his Excellency the Governor to inform the Senate that he has approved and signed acts and joint resolutions of the following titles, which originated in the Senate, viz:

An act authorizing the election of Trustees of the Library in Pike county, and for other purposes;

An act to change the time of holding the courts in part of the third judicial circuit,

A joint resolution in relation to the publication of a certain law;

A joint resolution in relation to the improvement of the Wabase river; and

He has also approved and signed acts which originated in the House of Representatives, entitled as follows, viz:

An act to change the time of holding courts in the 5th judicial circuit;

An act to amend the several acts for the promotion of schools in Clark's Grant;

An act to appropriate a part of the three per cent. fund on the Rome and Paoli state road in the county of Orange;

An act to change the name of the town of Portersville to that of Valparaizo;

An act to locate a state road from Bloomington to Bloomfield; and

An act to change the name of Mary Ann Elder Glasgo.

On motion of Mr. Brady, the petition of Thomas Hensley and others, praying a change in the mode of doing county business, was taken from the table and referred to a select committee.

*Ordered*, That Messrs. Brady, Sigler and Colerick be said committee.

Mr. Ewing presented the petition of Ebenezer Ward and others, praying for a road from Rochester to Peru; which was,

On motion of same gentleman, referred to the committee on canals and internal improvements.

Mr. Elliott from the joint committee on enrolled bills made the following report:

Mr. Elliott from the joint committee on enrolled bills reported that they did on this day present to his Excellency the Governor, for his approval and signature, the following bills and joint resolutions which originated in the Senate:

No. 47—An act to incorporate the trustees of the Indiana Asbury University;

No. 52—A joint resolution in relation to the publication of a certain law;

No. 61—A joint resolution in relation to the improvement of the Wabash river, and to authorize a compact with the State of Illinois;

Also the following acts and joint resolution which originated in the House of Representatives:

No. 54—An act to appropriate a part of the three per cent. fund on the Rome and Paoli state road in the county of Orange;

No. 14—An act to incorporate the Peru collegiate institute.

No. 36—An act to amend the several acts for the promotion of schools in Clark's Grant;

No. 141—An act to change the time of holding circuit courts in the fifth judicial circuit.

Mr. Dunning from the judiciary committee, made the following report;

Mr. PRESIDENT—

The judiciary committee to whom was referred the resolution of the Senate directing them to inquire into the expediency of authorising the holding three terms of the circuit court in each county in a year; and also to inquire into the expediency of creating one or more judicial circuits, have had the same under consideration, and have directed me to report that legislation upon the first branch thereof is inexpedient, and upon the second proposition contained therein, to report the following bill, to-wit:

A bill organizing the tenth judicial circuit and fixing the time of holding courts therein.

The bill in the report mentioned, was read a first time and passed to a second reading.

Mr. Dumont from the standing committee on education, made the following report:

Mr. PRESIDENT—

The committee on education, to whom was referred the petition of Elisha Golay and others, citizens of Switzerland county, praying the passage of a law to lay off part of fractional township one in range two, on the Ohio river into a school district, and to authorize them to sell land for the purpose of raising money to build a school house, have instructed me to report, that on examining the subject, they much approve of the laudable anxiety of the petitioners to educate their children, but that their case is already so far provided for by the existing law as to render special legislation on the subject unnecessary. It is the duty of the school commissioner, on the petition of any three citizens of the county, to appoint three trustees for the township, to serve until the last Saturday of August next ensuing such appointment, at which time it is the duty of the people to elect successors to such trustees. It is the duty of such trustees to lay off the township into districts, and the duty of the inhabitants of such districts, thereafter to hold elections and progress, in the same manner as is now provided by law for all other organized districts.

As to that part of the petition which prays that they may be allowed to sell one half of the land belonging to such fractional township to enable them to build a school house, your committee say that special legislation is unnecessary, inasmuch as a majority of the citizens of said township may at any time at a public meeting, determine by a vote to sell their land; and your committee are about to incorporate into the revised bill which has been committed to their charge, a provision to authorize the inhabitants of any district to use their proportion of the funds in building a school house; and your committee ask to be discharged.

*Ordered,* That the committee be discharged.

Mr. Clark made the following report:

Mr. PRESIDENT--

The committee on canals and internal improvements to whom were referred sundry petitions, memorials and remonstrances in relation to making Spencer a point in the road from New Albany to Crawfordsville, have directed me to ask that they be discharged from the further consideration thereof.

*Ordered,* That the committee be discharged.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a resolution of the Senate, directing them to inquire into the expediency of so amending the act authorizing a general system of internal improvement, as that timber or other materials for the construction of the public works shall not be taken from the lands of individuals without the consent of the owner thereof, have considered the subject, and have directed me to report that legislation in reference thereto is inexpedient, and the committee ask to be discharged from any further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the Senate, No. 14, supplemental to an act entitled an act to provide for a general system of internal improvement, approved Jan. 27, 1836, have considered the provisions of the bill and have directed me to report it to the Senate and recommend that it be indefinitely postponed;

In which the concurrence of the Senate is requested.

On motion of Mr. Dobson, the report and bill were laid on the table.

Mr. Clark offered for adoption the following resolution:

*Resolved*, That when the Senate adjourns it will adjourn to meet on Monday morning at the usual hour; and

On the question shall the resolution be adopted?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Boon, Brady, Casey, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Everts, Fowler, Hackett, Hamilton, Hillis, Liston, Little, Milroy, Plummer, Puett, Sigler, Smith, Stafford, Thompson of L., Thompson of J., Vawter and Walker—33.

*And those who voted in the negative are,*

Messrs. Claypool, Collins, Conwell, Hoagland, Kennedy, Mitchell, Stanford, Thompson of P., and Trask—9.

And so the resolution was adopted.

On motion of Mr. Smith, the bill to provide for the loaning of so much of the surplus revenue of the United States as this state may be entitled to receive by virtue of an act of Congress, approved June 23, 1836, was taken from the table and referred to a committee of the whole and made the special order of the day for Monday next; and

On motion,

The Senate adjourned.

MONDAY, JANUARY 9, 1837.

The Senate assembled.

The President laid before the Senate the following report from Mr. Fontleroy, on the subject of the turnpike road from Mount Vernon to Princeton, which was referred to the committee on canals, &c., and 200 copies ordered to be printed.

*To the General Assembly of the State of Indiana :*

By an act passed at the last session of the Legislature, it was ordered that a survey should be made, with a view to a turnpike road from Mount Vernon via New Harmony and Cynthiana to Princeton. Having performed that service by authority from the Governor, I beg leave to present to you the following result of my labors:

Previous to an examination of the country, it became a matter for consideration what character of ground would be the best suited for a work of the intended description. A short deliberation on this subject resulted in the conviction, that a country, gently undulating, would be the most eligible. The propriety of occupying ground of this description appears evident, from the greater facility with which the road could be drained, as well as from the well known fact, that animal power is better sustained than upon a level road.

Having given the country a general examination, previous to commencing the survey, the following route was selected as being the most eligible:

Commencing at the northern boundary of the town of Mount Vernon, the route as surveyed passes over a gently undulating country, to a point on Big creek, near Black's mill, occasionally occupying the middle road from Mount Vernon to Harmony. From this point the route passes over a country somewhat broken by small streams, tributary to Big creek, to the summit of the ridge dividing that stream from Rush creek; following a direction in the neighborhood of the state road already mentioned. From the latter point the route diverges from the road, and pursues a course more towards Harmony; crossing Rush creek in a suitable direction to occupy a spur of the ridge between that stream and the Wabash river, which leads well in the course towards Harmony. On crossing this ridge, the route descends to the bottom land of the Wabash, occupying the face of a ridge projecting from the high grounds, and enters main street of the town of Harmony.

On leaving Harmony the route follows the Princeton road to the high grounds, bounding the valley of the Wabash; thence it takes a direction along the northern face of the ridge dividing Rush and Big creeks on the south, from Black river on the north, and reaches the town of Cynthiana at the entrance of the state road.

From Cynthiana the route traverses a ridge country, dividing Big creek, and the waters of Pigeon creek on the east, from the waters of Black river and the Potoka river on the west, to the summit of the ridge dividing the Clear Fork of Pigeon from Richland creek, at a point

near the residence of J. Maclure; thence it takes a direct course to the town of Princeton, and enters the same at right angles to the present road.

The whole distance from Mt. Vernon to Princeton, as surveyed, is 42.03 miles; and is divided into three divisions: the first extending from Mt. Vernon to New Harmony; the second from New Harmony to Cynthiana; and the third from Cynthiana to Princeton.

The following statement will exhibit the length of each division, the average cost per mile, and the total cost of the same; also the whole distance from Mt. Vernon to Princeton, the average cost per mile, and the aggregate cost of the whole.

1st division	14.39 miles at	\$4,715 14 per mile—	\$67,850 90
2d “	13.33 “	3,346 98 “	44,615 20
3d “	14.31 “	2,877 98 “	41,184 00
<hr/>			
Total dis.	42.03	\$3,655 72	\$153,650 10

The above estimates contemplate a graduated surface of thirty feet in width on the whole line of the road. The bridges, estimated for, are of a platform character, with the exception of that across Big creek, which will require a bridge of 100 feet span. The plan estimated for in this instance is of the best description of wooden arched bridges.

Respectfully submitted,

R. H. FAUNTLEROY,  
*Civil Engineer.*

The following message was received from the House of Representatives:

M. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled bill of the Senate,

No. 69—An act to incorporate the Indiana Pottery Company for the purpose of manufacturing earthen ware and china;

I am directed to bring it to the Senate for the signature of the president thereof.

The House of Representatives has passed an engrossed bill of the House of Representatives,

No. 167—An act for the benefit of Nancy Roseberry;

In which the concurrence of the Senate is requested.

The bill No. 69, in the message mentioned, having been signed by the President was handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The bill in the message mentioned was read a first time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Mitchell moved to refer it to the judiciary committee.

Mr. Conwell moved to amend the motion to refer, by the following

instructions, viz:

"To authorize trustees to be appointed to take charge of any property of which females may acquire under similar circumstances,"

Which was agreed to; and the bill and amendments accordingly reported to the judiciary committee.

Mr. Kennedy presented the petition of Isaac F. Wood and others, praying the construction of a turnpike road from Richmond via Spartensburgh to Fort Wayne, which was,

On motion of Mr. Kennedy referred to the north-western select committee.

Mr. Colerick introduced a petition for the relief of Asa Brown, which was,

On motion of Mr. Colerick referred to the committee on canals and internal improvements.

Mr. Thompson of L., from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred the engrossed bill of the House of Representatives, entitled "a bill to form a new county out of the county of Dearborn," have directed me, after consideration, to report the same back to the Senate, and recommend that the same be amended as follows:

Strike out the 9th section of the bill and insert the following as an additional section:

SEC. *Provided, however,* That if by an actual survey made under the direction of the board of county commissioners, before the location of the county-seat as provided for by this act, it shall appear that Dearborn county does not contain an excess of territory over four hundred square miles, equal to the amount of territory embraced within the limits of said county of Ohio, then and in that event, the said county of Ohio, shall not be considered as organized: *Provided, also,* that the petitioners for the division of said county, shall first secure the first payment of any and all expense that may accrue in consequence of such survey.

The committee have also directed me to report to the Senate, that for the purpose of arriving at a fair and unprejudiced conclusion in relation to the division of the county of Dearborn, a subject which has for so long a time produced an excitement as unparalleled as unfortunate, the representation of that county in the other branch of the General Assembly, were examined under oath in relation to the local questions which operate upon the question of *expediency*, and their testimony is herewith communicated to the Senate, as follows:

*Pinckney James, Esq.,* testified that among those who had remonstrated against the division of the county, as far as his knowledge extended, none resided in the territory embraced in the bill proposed for the new county—but the petitioners resided generally in the new county, and in that portion of Dearborn county (proper) which is not embraced

in the bill—that he knows of none south of *Loughery* creek, who have signed the remonstrance—that the bill embraces in territory about sixteen or seventeen square miles, and, as he supposes, contains about *three hundred voters*—that in the event of the passage of the bill, and the formation of the new county, the present county seat of Dearborn county will, in his opinion, be changed—but that circumstance, he thinks will take place at all events, as there now exists so much dissatisfaction in relation to its present location—that, if he were to judge from the quantity of territory upon which those who remonstrated reside, he would suppose that there were not more than six hundred who had signed the remonstrance—that he thinks that a greater part of those in the county of Dearborn (proper), with the exception of the six hundred remonstrators, are in favor of a division of the county—that the main object of the petitioners is to get the new county, and if granted, thinks it will reconcile all feeling upon the subject; that the petitioners will not go beyond the petition, but may be desirous to extend the new county, ultimately, if it is granted, beyond the limits defined in the bill, and to the extent of the petition—that they had rather, in his opinion, accept of the territory embraced in the bill, and yet nothing more than to remain as at present, without a court to collect their debts or enforce their contracts—that, in his opinion, the petitioners are several hundred more than those who have signed the remonstrances—that the election of last August in the county of Dearborn was a test in favor of division, inasmuch as the present members of the House of Representatives, from that county, were nominated at a convention of the people, which assembled for that avowed purpose, and were elected over their competitors, who were opposed to a division—that although Buel, one of the candidates opposed to division, came within a few votes of the candidate in favor of division who received the lowest number of votes, yet the question of general politics operated in his favor, and the average majority was considerably in favor of division—that he has no doubt that a majority of the people of Dearborn county are in favor of a division—that if the division is not granted the excitement now existing in the county, will continue—that he will not say that the division contemplated by the bill was the test at the August election, but the question was *division* or *no division*, and that in the townships opposed to division, the present representation received very few votes—and that he thinks the petitioners occupy a larger portion of the territory of Dearborn county than those who have signed the remonstrances.

*Abel C. Pepper*, Esq. was examined and testified that he would not undertake to say how the names were procured to the remonstrances—and thinks that the majority at the election would have been equal to what it was had the question been to subdivide the county as contemplated in the bill.

*John D. Dunn*, Esq. testified that he was satisfied that Mr. Buel wished the county-seat to remain where it is, if he cannot get it to Aurora, and that he ran on the question of United States Senator, being in favor of a Van Buren Senator, and did not make known his opposition to division, where it would operate against him, and that by this



means he got some two hundred votes from Van Buren men who have signed the petition for the division, which was the cause of his running so close to Mr. Guard, who was the hindmost candidate in favor of division—that the convention alluded to by Col. James, put the present delegation in nomination avowedly as friends to the division, and that he believes the division will compose the difficulties now existing in the county.

*David Guard, Esq.* testified that he had seen names of persons upon the remonstrances, who, to the best of his knowledge, had been out of the state for some time—that the petitioners are clearly in favor of a division—thinks the vote Buel got no evidence of the strength of the opposition of a division, for the reasons assigned by Maj. Dunn—that Buel, he thinks, lost votes by refusing to declare himself in favor of a division—that the townships were notified and invited by advertisements in the newspapers of the county to send delegates to nominate candidates friendly to a division—that the convention was held in conformity with the notices, and the present representatives were put in nomination—and that he believes that nothing less than a division will tranquilize the difficulties and excitement of the county.

Mr. Dumont moved to concur in the amendment proposed by the judiciary committee by striking out of the 9th section all from the words “provided however,” and insert the following: “That James Steele, of Ripley county, Hiram Olmstead, of Switzerland county, and Nathaniel Squibb, of Dearborn county, shall make an actual survey of the said county of Dearborn, to be finished and completed before the 1st day of July next; said surveyors first taking an oath faithfully and impartially to discharge their duties in surveying said county, according to the rules of the office of the Surveyor General for surveying lands bounded by the Ohio river; and the petitioners for this act shall employ the said individuals, and either pay or secure the payment of the expenses of surveying, and all contingent expenses; and if either of the said surveyors shall be disabled by sickness or other unavoidable accident from making the said survey, in that case it shall be lawful for the others to complete the survey in his absence—and such surveyors shall choose their own chain bearers, axe-men, and flag bearers, who shall be respectable free-holders of Dearborn county, and shall be sworn to perform their duties faithfully and impartially. Such survey shall be made out and signed by the surveyors, or as many as may perform the survey, if all are not able to act, and filed in the clerk’s office of the county of Dearborn, on or before the first day of July next. And if said survey is not so made and filed as aforesaid, then the proposed county shall not be formed or considered as a county; and if, by said survey the county of Dearborn does not contain four hundred square miles exclusive of the proposed county—then and in that case the proposed county shall not be a county in any way whatever.

Which proposed amendment of Mr. Dumont was agreed to.

Mr. Dumont moved further to amend the bill by inserting in the 5th line of the 1st section, after the words “following boundary lines” the

following proviso, to-wit: "Subject to the provisions, limitations, and exceptions in this act hereinafter contained;"

Which further amendment of Mr. Dumont was also agreed to.

Mr. Smith moved to indefinitely postpone the bill, pending which,  
On motion, the Senate adjourned.

2 o'clock, P.M.

Senate assembled.

The subject of forming a new county out of Dearborn county was again resumed, and on the question shall the bill be indefinitely postponed,

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Boon, Chambers, Clark, Conwell, Daily, Dobson, Dumont, Dunning, Elliott, Hamilton, Liston, Little, Milroy, Mitchell, Plummer, Sigler, Smith, Stanford, Thompson of P., Thompson of J., Vawter and Walker—24.

*And those who voted in the negative, are,*

Messrs. Brady, Casey, Claypoo, Cole, Colerick, Collins, Crawford Everts, Ewing, Fowler, Hackett, Hillis, Hoagland, Kennedy, Moore, Morgan, Puett, Stafford, Stewart, Turman, Thompson of L., and Trask—22;

And so the bill was indefinitely postponed, and

On motion the Senate adjourned.

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TUESDAY, JANUARY 10, 1837.

The Senate assembled.

On leave granted, Mr. Everts introduced a bill entitled an act supplemental to an act providing for the division of the eighth, and formation of the ninth judicial circuits, and for other purposes;

Which was read a first time, and on motion of Mr. Everts, the rules were further dispensed with, the bill read a 2d and 3d time and passed.

Mr. Elliott, from the joint committee on enrolled bills, reported, that they did this day present to His Excellency the Governor, for his approval and signature, enrolled bills No. 158 of the House of Representatives.

The President laid before the Senate the following report from the committee of the State Board of internal improvement; which was, on

motion of Mr. Morgan, laid on the table, and one thousand copies ordered to be printed.

Office State Board Internal Improvement,  
Indianapolis, January 9th, 1837. }

THE HON. THE SENATE OF INDIANA:

In obedience to a resolution of the Senate, of the 3d instant, requesting the State Board of internal improvement to furnish "a comparative statement, in tabular form, showing the difference, if any there be, between estimates reported to the last legislature, and contracts entered into the past season; and likewise as near as may be, the cost of superstructure or additional work, not included in the present contracts, as far as the lettings have extended on each line," the undersigned, members of said Board, herewith submit a tabular statement, and report the information desired, as far as can be derived from the papers in this office, and other sources within their reach.

In making up the original estimates of the public works, the engineers arranged the several lines into distinct portions or divisions, showing only the aggregate cost of each, as will be seen by reference to their reports; and these divisions do not in all cases correspond with the divisions or sections which it was found necessary to make, in placing the line under contract; hence the impossibility of filling up the tabular statement, so as to give, in every case, the comparative view contemplated by the resolution of the Senate.

On the Wabash and Erie Canal, between Georgetown and Lafayette, the work under contract lies in detached portions, embracing only the heavy jobs, aggregate cost of which, at contract prices, is given in the annexed statement. As the cost of these particular jobs, was not given separately from the rest of the line in the report of the original survey, their estimated cost, according to the original survey, cannot be accurately stated. From all the information, however, which the Board have been able to collect, they believe that this portion of the line will exceed the original estimate of 1834, from 5 to 10 per cent., which may be accounted for by the advance of labor and provisions and by the enlargement of the canal between Wild Cat and Lafayette, with a view to the passage of water for hydraulic purposes.

It will be seen, by reference to the tabular statement, that the cost of the Indianapolis division of the Central canal, exceeds the original estimate, \$59,654,00. The quarter part of this excess is occasioned by the enlargement of the canal between Broad Ripple and Indianapolis, to 57½ feet width and 5 feet depth, for the purpose of passing an additional quantity of water, for hydraulic purposes. This enlargement, though suggested as a judicious measure, in the report of the Engineer who made the original survey, was not included in his estimated cost.

The route of the Southern Division of the Central canal, as located, is entirely different from that followed by the original survey, and hence in the former report, no estimate was presented of the particular por-

tion put under contract, and consequently the tabular statement as to that, is not filled up. In comparison with the survey which was first made down the valley of Blue Grass creek, there will be a saving in cost on this division of nearly 50 per cent.

On the Cross-cut canal, the work under contract lies in detached sections, embracing only the heavy work, such as the deep cut at the summit, the feeder dam, &c., the original estimate of which cannot be given separately from the remainder of the line, for the reasons before given in a similar case. In the report of the first survey, the average cost per mile of the whole line was placed at \$13,540. If the remaining portion of the work should be let out, at prices corresponding with the contracts already made, the actual cost may exceed this average 8 or 10 per cent., in consequence of the advance in the price of labor.

The estimate on canals herewith presented, is supposed, in each case, to include the whole cost of the work specified.

To the estimate on rail and M'Adamized roads, the cost of the track and metal must be added, and for further explanation on the latter, the Senate is particularly referred to the accompanying letter of the Principal Engineer on roads and rail ways, obtained for the purpose, marked B.

Respectfully submitted,

J. B. JOHNSON, } *Com. State Board In-*  
THOS. H. BLAKE, } *ternal Imp.*

[A]

### STATEMENT

Of the cost of certain portions of the public works, at contract prices and original estimates.

Works under Contract.	Length under contract.	Aggregate cost at contract prices.		Original estimate.
		M't. h'd.	Doll's. C'ts.	
Wabash & Erie canal from Georgetown to Lafayette (the heavy jobs only under contract,)	35.00	402,162	00	
White Water canal from Brookville to Lawrenceburgh,	30.75	474,361	00	502,946 00
Indianapolis Division of Central canal,	21.75	309,208	00	294,554 00
Southern Division of Central canal,	20.00	225,483	00	
Cross-cut canal (the heaviest jobs only under contract,)	14.25	246,755	00	
Madison and Lafayette rail road,	22.00	609,633	00	343,905 00
New Albany and Vincennes M'Adamized road, (grading and bridging only under contract,)	41.50	207,921	00	137,582 00

D. H. MAMWELL, ESQ.,

*President Board Internal Improvement:*

SIR—In order that the statement for which you are called upon by a Senate resolution of the 3d instant, may be more fully understood than it would be if unaccompanied by any explanation, I beg leave to offer you the following statement.

The whole distance of the Madison and Lafayette Rail Road reported as being under contract is 22 miles, and the aggregate cost of the same at contract prices is \$609,633—of this amount it is estimated that \$156,515 is applicable to the distance lying between the head of the inclined plane and the commencement at Madison, and the remaining \$453,110 to the whole of the remaining part under contract, being 20.32 miles.

The following statement will shew where the discrepancy between the estimates of last year and the estimates under contract prices principally exists.

Estimated cost under contract prices for the road between Madison and the head of the inclined plane,	\$176,827 00
Cost of same distance by the estimates of last year,	35,205 00
Excess over last years estimates,	141,622 00
Estimated cost under contract prices of road from head of inclined plane to Vernon,	432,806 00
Cost of same distance by the estimates of last year,	308,699 00
Excess over last years estimates,	\$124,107 00
It is proper to remark further that the adopted line is 2.89 miles the shortest between the last points named, and it will therefore be fair to deduct the probable cost of superstructure on that distance from excess.	
Last excess named,	124,107 00
Probable cost of superstructure on 2.89 miles, saved	12,976 00
Total excess from head of plane to Vernon, being less than one half of the whole excess.	\$111,130 00

By the above it is perceived that the immense disparity between the estimates of last year and the estimated cost under contract prices, is confined in a great degree to the distance between Madison and the head of the inclined plane. Should it be asked why this disparity exists, it may be replied that last year no location was made upon which to base an estimate. By referring to one of the closing paragraphs in the report of Mr. Schenck who made the surveys and estimates, you will find the the distinct declaration that "the line of survey from Madison to Lafayette may be considered as merely *experimental*, and institu-

ted with a view to ascertain the *practicability* of a Rail Road rather than to *approximate* to the definite location." The great rise of labor and provisions may be assigned as another reason why work cannot now be as cheaply executed as last year. This rise may safely be estimated as equal to 20 per cent.

The report of the resident Engineer on the New Albany and Vincennes road not having yet reached me, I am unable to present you with any reason why the work on that route costs more than the former estimate, other than the last one assigned which is deserving of great weight.

In relation to the superstructure of Rail Roads I have only to say, that after having examined the estimates of last year, I see no reason to change them further than by the addition of the rise of labor and iron, which I have already estimated at 20 per cent.—In the former estimate three different kinds of rail were estimated, with the addition of 20 per cent. they would be as follows:

Cost per mile single track, flat rail,	3,742 63
Add 20 per cent.	748 52
Estimated cost at present rates,	<hr/> \$4,491 15
Cost per mile, single track, with edge rail or scantling	\$5,523 48
Add 20 per cent.	1,104 69
Estimated cost at present rates,	<hr/> \$6,628 17
Cost per mile, single track of approved edge rail,	5,000 00
Add 20 per cent.	1,000 00
Estimated cost at present rates,	<hr/> <hr/> \$6,000 00

I will present you with my views fully on these subjects in a few days by general report.

Very respectfully,

Your obedient servant,

H. M. PETTIT,

*Principal Engineer on roads, &c.*

January 6th, 1837.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that they have passed a joint resolution entitled "a joint resolution in relation to a law therein named,"

In which the concurrence of the Senate is requested.

The joint resolution in the Message mentioned, was read a first time, and on motion of Mr. Vawter, the rules of the Senate were dispensed with, the resolution read a second and third time and passed.

Mr. Dumont introduced the memorial of the Education Convention of the State of Indiana, on the subject of a Board of Education, improving common schools, and of appropriating the surplus revenue to the purposes of education, which was on motion of Mr. Claypool, referred to the standing committee on education.

Mr. Kennedy introduced the memorial of the citizens of Randolph county, on the subject of extending the White river canal as far up White river as there is water to feed the same; which was on motion of Mr. Kennedy, referred to the committee on canals and internal improvements.

Mr. Dunning presented the remonstrance of Edward Walker and other citizens of Monroe county, remonstrating against clearing Salt creek of obstructions; which was, on motion of Mr. Dunning, referred with a petition on the same subject, to a select committee.

*Ordered*, That Messrs. Dunning, Thompson and Chambers be the said committee.

Mr. Thompson of P., introduced the petition of Thomas W. Fore and others, citizens of Crawford county, praying for a turnpike road from Fredonia on the Ohio river to intersect the canal at or near the mouth of Eel river in Green county; which was on motion of Mr. Thompson of P., referred to the committee on canals and internal improvements.

Mr. Thompson of L., presented the remonstrance of Samuel D. Bishop and others remonstrating against Spencer being made a point in the Jeffersonville and Crawfordsville rail road; which was on motion of Mr. Thompson of L., laid on the table.

On leave granted, Mr. Thompson introduced a bill to change the name of the town of Fullerton to that of Lodi,

Which was read a first time, and on motion of Mr. Hamilton, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Mr. Dumont from the education committee, made the following report:

Mr. PRESIDENT—

The committee on education to whom was referred a bill to incorporate the Western University, have instructed me to report it to the Senate with two amendments, in which amendments they ask the concurrence of the Senate:

1st. Strike out the 24th line, and insert in the 25th line after the word "personal," these words: "provided said institution shall never hold real estate exclusive of buildings, of a greater value than thirty thousand dollars, any longer than it can be sold for a fair price."

2d. In the second section in the 27th line, between the words "dollars" and "and" insert the words, "but no individual shall have more than twenty votes."

The amendments were concurred in with one amendment; which amendment was to "strike out "twenty" and insert "thirty" in the first amendment.

The first amendments were engrossed and the bill passed to a third reading.

Mr. Dunning made the following report:

Mr. PRESIDENT—

The committee on education to whom was referred the petition of Robert Carr and others, citizens of Monroe county, praying relief for James Warren, have had the subject under consideration, and have directed me to report the following bill, viz:

A bill for the relief of James Warren.

The bill in the report mentioned, was read a first time and passed to a second reading.

Mr. Dunning made the following report:

The committee on education to whom was referred the report of the Trustees of the Indiana College, in which said report the Trustees recommend the sale of one or more of the reserved sections of said land, for the advancement of the interests of said institution, have had the same under consideration and have directed me to report the following bill, viz:

A bill authorizing the sale of certain seminary lands in Monroe county.

The bill in the report mentioned, was read a first time and passed to a second reading.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvement to whom was referred a resolution of the Senate directing them to inquire into the expediency of constructing a lock in the canal between the dam to be erected across the Wabash river near Delphi, and the Deer creek dam,



so that river craft may pass around said dam, and that the navigation of the Wabash river may be preserved, have considered the subject and have instructed me to report herewith a bill entitled

A bill to provide a lock in the pool dam near Delphi.

The bill in the report mentioned, was read a first time and passed to a second reading.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the Senate to incorporate the town of Greensburgh in Decatur county, Indiana, have examined the same, and have instructed me to report it back to the Senate without amendment.

The report was concurred in and the bill engrossed for a third reading.

Mr. Brady made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Thomas Hensley and others, have according to order, had the same under consideration and have directed me to report the following bill in furtherance of the object of the petition.

The bill in the report mentioned, was read a first time and passed to a second reading.

Mr. Milroy made the following report; Mr. Everts, one of the committee dissenting therefrom.

The select committee to whom was referred the petition of Nathan Davis and others, on the subject of a ship canal to connect the waters of the Little and Great Calumet rivers, and the improvement of the Great Calumet to its mouth on Lake Michigan, have had said petition under consideration, and have directed me to report, that a majority of your committee are of opinion that the improvements contemplated, is such as to deserve the consideration of the General Assembly of the State of Indiana, but not being in possession of the necessary information as to what effect such works, in the hands of an incorporated company, would have in future improvements by State authority, your committee are of opinion that under such circumstances it would be improper to grant an act of incorporation as requested by said petition, the committee ask therefore to be discharged from further consideration of the subject.

*Ordered*, That the committee be discharged.

On motion of Mr. Hoagland, Mr. Vawter was added to the select committee to whom was referred the petition of sundry citizens of Scott county, praying a rail road from Jeffersonville to Columbus.

Mr. Milroy made the following report:

Mr. PRESIDENT—

The Select committee to whom was referred sundry petitions relative to a state road from Kirk's Cross Roads in Clinton county via Frankfort, Delphi, and Monticello to Michigan City, have had said petitions under consideration, and have directed me to report by bill.

The bill in the report mentioned, was read a first time, and

On motion of Mr. Everts, the rules of the Senate were dispensed with, the bill read a second time and engrossed for a third reading.

Mr. Milroy, to whom was referred a petition on the subject, introduced a bill entitled "an act to incorporate the Delphi Insurance Company, which was read a first time, and

On motion of Mr. Milroy, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

Mr. Liston made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the bill authorizing William McCartney and others to cut a race from the head waters of the Kankakee, &c., have had the same under consideration and have directed me to report the same back to the Senate with sundry amendments;

In which the concurrence of the Senate is requested.

The amendments were concurred in; and

On motion, the bill was considered as engrossed, read a third time and passed.

On leave granted, Mr. Conwell introduced a joint resolution entitled a joint resolution relative to the public lands suspended from sale on the line of the Wabash and Erie canal in the State of Indiana;

Which was read a first time and passed to a second reading.

Mr. Liston made the following report:

Mr. PRESIDENT--

The committee on canals and internal improvements to which was referred the resolution of the Senate on the subject of the Erie and Michigan canal, have had the same under consideration and have directed me to report the following joint resolution.

The joint resolution in the report mentioned, was read a first time; and

On motion of Mr. Liston,

The rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Milroy, it was amended by striking out "one" in the 7th line of the first section and inserting "five."

Mr. Clark moved further to amend by striking out of the second section, all from the word "works" in the fifth line.

Which was not agreed to.

On motion of Mr. Liston,

The resolution was engrossed and the bill passed to a third reading on to-morrow.

On motion of Mr. Everts,

*Resolved*, That the judiciary committee inquire into the propriety of so amending the law of descent, dower, &c. as to prohibit the widows of assignors of land office certificates, and title bonds for the conveyance of real estate, from claiming dower in the same, and whether the wife shall have dower to any other land held by an equitable title than that which the husband owned at the time of his death.

On motion of Mr. Colerick, the following resolution was adopted:

*Resolved*, That the committee on canals and internal improvements inquire into the expediency of authorizing the board of internal improvement to survey a route for a rail road from the point of intersection of the White Water and White river canals to Fort Wayne, when the said board may deem said survey expedient.

Mr. Moore proposed for adoption the following resolution:

*Resolved*, That the editor of the Indiana Farmer be requested to furnish each member of the Senate with five blank sheets of paper weekly during the remainder of the session instead of five copies of the Indiana Farmer, as we do not approve of gross slander at the expense of the State.

Mr. Liston proposed to amend the said resolution by adding the following: "and that said editorial article published in his said paper of the 7th instant, with regard to an attack on the citizens of Indianapolis by the Senate is false and untrue;

Which amendment was agreed to; and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Mitchell,

Mr. Moore's resolution and amendment, which were pending when the Senate adjourned, were laid on the table.

On motion of Mr. Stanford, the previous orders of the day were suspended, and the Senate resolved itself into a committee of the whole, Mr. Brady in the chair, on the bill to provide for the loaning of so much of the surplus revenue of the United States as this state may be entitled to and receive by virtue of an act of Congress, approved June 23d, 1836.

After having transacted some business;

On motion, the committee arose, and

Mr. Brady made the following report:

Mr. President—

I am instructed by the committee of the whole to report that they have had the bill to provide for the loaning of so much of the surplus revenue of the United States as this state may be entitled to and receive by virtue of an act of Congress, approved 23d of June, 1836, but not having had time to complete the same, they have instructed me to ask leave to sit again.

*Ordered*, That the committee have leave.

On motion,

The Senate adjourned.

WEDNESDAY, JANUARY 11, 1837.

The Senate assembled.

Mr. Elliott from the committee on enrolled bills, made the following report:

Mr. Elliott from the joint committee on enrolled bills, reports that they have compared the enrolled with the engrossed joint resolutions originating in the House of Representatives, to-wit:

No. 27—A joint resolution on the subject of the purchase of the Louisville and Portland canal stock; and also,

No. 34—A memorial and joint resolution of the State of Indiana, asking an appropriation for the public works at Michigan City, Indiana; And find the same truly enrolled.

The following communication was received from the Treasurer of State, and laid before the Senate by the President thereof;

Which communication was referred to the committee on public buildings.

INDIANAPOLIS, 9th Jan. 1837.

Hon. DAVID WALLACE,

*President of the Senate:*

In obedience to the act of the 8th February, 1836, entitled "an act to provide for the appointment of a keeper of the State House," the undersigned submits to the Senate the subjoined bill of expenses incurred, and disbursements made. The act in question gave great latitude of discretion, and seemed to require not only a superintending charge of the capitol, but enjoined the duty of continuing the operations of gra-

ding the state house square, its inclosure, of providing new and additional furniture, and carpeting for the halls, the committee rooms, &c.; which altogether, required that the superintendent should make all proper and necessary provision and regulation for the comfort and convenience of the two houses of the General Assembly.

This duty the undersigned has endeavored to discharge with as much economy and regard for the public interest, as was compatible with a proper adaptation of the various articles furnished, to the purposes for which they were intended.

The principal item of expense, it will be seen, has been that of grading the state house square. The contract for grading the south east front of the square, was made in June last upon the lowest bid offered, after proper notice in the public papers. The grading of the west front was not contracted for until October, having been postponed until that period, with a view of the reduced price at which it could be let, after the operations should be commenced on the canal.

This advantage has been gained, as the price of filling in, per yard in the new contract, is greatly reduced from the first. This last contract is not yet completed, but will be prosecuted as early in the spring as the absence of the frost will permit.

It is to be regretted that the roof of the state house is greatly defective. Whether from the peculiar character of the article with which it is covered, or from being badly put on, is to be sought the cause of this defect cannot be fully determined; but the roof has leaked to a considerable extent from the commencement.

Twice in the course of last spring and summer, have portions of the roof blown off, to repair which, together with other necessary work about the roof, considerable expense has already been incurred, the principal item of which is not embraced in the account now reported, as the job is not yet finished. This has been under charge of Messrs. Coxs' of this place, who have nearly completed a tin roof on the cupola, which had become so leaky as to endanger the stucco work at the head of the rotunda.

Early last spring arrangements were made with J. M. Moore & Co. of this place for procuring carpeting for the halls, with directions to solicit the advice of Mr. Town in reference to the pattern and quality of the carpeting to be procured. The article purchased, in the opinion of the undersigned, is creditable to the judgment and taste of Messrs. Moore and Town, who made the selection.

Although not clearly authorized by the act, yet the undersigned has taken the responsibility of causing a brick pavement to be made at the south front of the state house, from the building to the street, and also lamps in front of each gate.

The saving to the carpeting, together with the health and comfort of the numbers, were deemed a sufficient consideration for the expense incurred.

Insurance was effected on the state house last spring, with two insurance offices, to the amount of \$20,000 at one half per cent. These

policies will expire in May, and no provision now exists by law for re-insuring the building.

In discharging the duties required by the act, much more of responsibility was found to be involved, and labor required, than was at first apprehended, but should the undersigned have fulfilled the expectations of the General Assembly it will be regarded an ample reward.

The undersigned requests that the matter of the disbursements be referred to some appropriate committee, to whom the original vouchers will be produced, of which the following schedule is an abstract is

Respectfully submitted,

N. B. PALMER.

Schedule of expenditures on account of the State House, under the act of 8th February, 1836.

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No. 1.	Seth Bardwell's bill, making judges and clerks stand and tables in supreme court room,	\$25 00
2.	Oliver Morse 5 days in preparing and putting down carpeting, &c., . . . . .	8 00
3.	H. B. Allen, for painting in court room, . . . . .	7 00
4.	William Causey, repairing roof, . . . . .	3 00
5.	J. M. Woolen, for temporary fence, . . . . .	3 55
6.	A. Loughlin cleansing state house, . . . . .	1 75
7.	Simeon Scantling, cutting stumps off square, . . . . .	1 75
8.	W. B. Martin, repairing roof and curbing, . . . . .	10 00
9.	J. M. Woolen, fencing square, furnishing and putting in gate posts and lamp posts, guard posts, &c. . . . .	331 81
10.	N. B. Ewing for making gates, platforms, &c., . . . . .	67 92
11.	J. F. Ramsey, 4 tables for committee rooms, . . . . .	26 00
12.	Thomas Donnellan, cleansing and varnishing desks in Representative Hall, . . . . .	15 00
13.	S. Darnell on his first contract for grading, . . . . .	2,552 59
14.	John Brackett, 399 loads soil on grade, . . . . .	119 00
15.	Miles R. Payne making 8 new, and cleansing and varnishing 40 desks for Senate Chamber, . . . . .	66 00
16.	Jacob Turner, 9,908 paving brick, . . . . .	69 35
17.	J. M. Moore & Co. bill of carpeting, . . . . .	1,182 78
18.	Mordica Cropper 22 new desks for Hall of House of Representatives, . . . . .	136 75
19.	J. and C. Cox, lamps, spit boxes, stove pipe and putting up stoves, zinc around stoves, &c. . . . .	76 50
20.	Carter and Scantling, levelling grade, . . . . .	10 00
21.	G. S. Gorham, laying pavement, &c. . . . .	28 25
22.	R. M. Bell, laying carpeting in Senate chamber and committee rooms, . . . . .	33 00

23. Joseph Grover for stoves, pipes, &c., . . . .	193 56
24. J. M. Moore & Co. chains for gates, . . . .	3 00
25. W. R. Beach and Cox for 17 seagrass mats and carriage, . . . . .	24 00
26. Perham and Harding, bill curbing joist for paving, . . . . .	8 48
27. Simon Rush, hauling on grade, &c., together with sundry other services and things partic- ularized in bill, . . . . .	53 15
28. Richard Clark, work, washing the windows and cleansing and preparing Halls for session, . . . .	9 00
29. H. Divenney laying carpeting in Representatives Hall, . . . . .	36 00
30. W. S. Unthank assisting Bell, laying carpeting, . .	20 00
31. Tho. M'Collum making boxes for stoves, hearths, and ladder, . . . . .	5 00
32. Landis and Greer, Plank for bridge at side walk, &c., . . . . .	1 87
33. John Hubbs for 4 shuck mats, . . . . .	3 00
34. Young and Pottage, andirons, &c., . . . . .	11 60
35. Burr and Morris, stove and sundry articles got for two houses as per bill, . . . . .	65 18
36. Brown and Marrison, baize, shovel and tongs and and sundry other articles as per bill, . . . . .	19 47
37. Seibert and Buehler, shovel and tongs, snuffers, &c., . . . . .	27 49
38. N. McCarty, andirons, &c., . . . . .	17 20
39. J. M. Moore, & Co. sundry articles got for laying carpet, . . . . .	6 37
40. Lewis Ross and others, hauling brick . . . . .	5 75
41. Underhill and Wood for balls for gates, . . . .	2 80
42. W. Lingenfelter, mending plastering, &c. . . .	6 50
43. W. Spear, stone for stove pipes, . . . . .	6 00
44. J. J. Stretcher, for 10 settees, 4 doz. cane bot- tomed and 4 doz. windsor chairs, &c. . . . .	340 00
45. Perham and Harding, plank for temporary fence, .	7 70

Mr. Daily introduced the remonstrance of D. Drummond and others, citizens of the county of Clark, remonstrating against the location of a state road leading from New Albany by way of H. Bortorffs to New Lexington; which was,

On motion of Mr. Daily, referred to a select committee.

*Ordered*, That Messrs. Daily, Hoagland and Collins be the said committee.

Mr. Crawford introduced the petition of sundry citizens of Lagrange and Steuben counties, praying that Michigan City be made a point in the Buffalo and Mississippi rail road; which was,

On motion of Mr. Crawford, referred to the committee on canals and internal improvements.

Mr. Elliott introduced the petition of Joseph Wilson and others, praying for a survey of a road leading from Cambridge by way of New Lisbon to Fort Wayne; which was,

On motion of Mr. Elliott, referred to a select committee.

Ordered, That Messrs Elliott, Colerick and Kennedy be the said committee.

Mr. Dumont presented three several petitions, of citizens of Switzerland county, praying a charter for a turnpike road from Patriot in Switzerland county to intersect the Vevay and Napoleon turnpike at the most convenient point; which,

On motion of the same gentleman, was referred to a select committee.

Ordered, That Messrs. Dumont, Smith and Plummer be said committee.

On motion of Mr. Hillis,

The report of the Trustees of South Hanover College, was taken from the table and 200 copies ordered to be printed.

Mr. Thompson of L., from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate, instructing them to take under consideration that part of the ordinance of Congress of the 13th of July, 1787, which declares that the "navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways and forever free," &c.; and also the 9th section of an act entitled "an act to provide for the further prosecution of the Wabash and Erie Canal, and for other purposes," approved February 6th, 1835, and to report whether or not said act, or any part thereof conflicts with said ordinance of Congress, and the act of Congress entitled "an act to enable the people of the Territory of Indiana to form a state government, and for the admission for such state into the Union, on an equal footing with the original states," approved April 19th, 1816, have, after consideration thereof, directed me to make the following

### REPORT:

The committee find, that by the ordinance of Congress of the 13th July, 1787, it is declared that "the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, (the territory north-west of the Ohio river,) as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor." These enactments were, in substance, sub-



sequently embraced in the acts of Congress of March 3d, 1803, and of March 26th, 1804, and by the act entitled "an act to enable the people of the Indiana territory to form a constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states," approved April 19th, 1816, it was provided "that the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the 13th July, 1787, which are declared to be irrevocable between the original states and the people, and states north-west of the river Ohio," with certain exceptions therein specified. On the 29th of June, 1816, the representatives of the people of the territory of Indiana, accepted the conditions which these acts and ordinances made precedent to her admission, and entered into the Union upon an equal footing with the original states of the confederacy.

These acts and ordinances present several important political considerations, two of which the committee think they are not at liberty, in the proper investigation of the subject referred to them, to overlook.

1st. Has the state of Indiana, by the acceptance of the ordinance of 13th July, 1787, parted with her individual sovereignty, which she acquired by her admission into the union?

2d. Has she surrendered or abridged her sovereign powers, by becoming party to the federal constitution or compact?

To answer these questions satisfactorily, the committee must refer to some settled general principle, explanatory and illustrative of the conclusion to which they have arrived.

The great end of the institution of our federal union, was, besides uniting the states into one national sovereignty, and the citizens of each in a national character, to secure to the several states the free, perfect and full exercise of the municipal sovereignty, within their respective local limits, except in those instances where the interest of the whole was considered to be affected. With this view, a line of distinction was drawn between national and municipal sovereignty, and certain prohibitions and restrictions not inconsistent with the public good, imposed. These prohibitions and restrictions, however, do not affect the municipal sovereignty of the states when it is exercised as incidental to its separate existence, for the promotion of the general welfare; nor do they destroy or abridge the national sovereignty, when it is used "for carrying into effect" the powers delegated by the constitution of the United States. The original states, who were parties to the national compact, made its requisitions binding upon the several states, except so far as those requisitions did come in conflict with the *primitive* and *ultimate* sovereignty of the people of each state, who by their representatives acted separately for themselves and their respective communities. By the condition of this mutual compact, the individual states surrendered many of their powers and rights—such as entering into treaties of alliance or confederation—granting letters of marque and reprisal—engaging in war, unless actually invaded, or in such imminent danger as not to admit of delay, and others which it is im-

possible for them to exercise without taking from the general government its national sovereignty.

Although the term sovereign and independent, nor the word *sovereign* is to be found in the constitution, yet that instrument being framed subsequent to the article of confederation, it is clearly inferable that the states individually and conventionally intended a retention of their sovereign and independent character, except so far as they surrendered certain and defined powers to the general government. What those powers were, it is not necessary to inquire, but that the state governments individually retained a sovereignty of such apparent necessity, that no external power has a right to interfere with its municipal regulations, is a point which no economist will controvert, among the retained powers, is the right of forming a written constitution for themselves respectively, organizing a government, and instructing, limiting, and directing its necessary power. This secures them against infractions dangerous to their essential rights, and gives them a legitimate power to direct their own internal organization for the promotion and perpetuity of the public good.

These powers and privileges being retained by and secured to the parties to the original federal compact, it will not be denied, and cannot be controverted that the states subsequently admitted into the Union "upon an equal footing" with the other states, receive, by the conditions of admission, the same sovereignty, without a surrender of any of those independent powers belonging to the several states. Among these, the right of jurisdiction over its entire domain, is important, and the only principle of individual state sovereignty upon which the committee think it now necessary to dwell.

The sovereign jurisdiction over lands and streams, within its defined boundaries, is a jurisdiction necessarily incident to state existence: Indeed, so essential is it, that doubts have been always entertained, and in the conception of the committee very justly, whether, under any circumstances, a state could divest itself of such jurisdiction, without also divesting itself of its sovereign independence. The necessity of this jurisdiction to the existence of the independent nations or states, is so manifest, that no argument can be needed to prove, than when either a nation or state surrenders its exercise, its sovereignty also ceases, and it becomes tributary to a foreign and external power. In consequence of the intimate relations between the states and the government of the United States, which are created by the federal constitution and the several compacts between the several states and the general government, the sovereign condition of the separate states, is, in a great measure, lost sight of. Yet, such is the necessity of the jurisdiction under consideration, that any grant or compact of a state divesting such state of any portion of this necessary sovereign control over its territory, must be construed strictly in favor of such contracting and granting state.

The *tenth* article of the amendments to the constitution of the United States, extends the construction here contended for by the committee, to all grants of power parted with by the States. It says that "*the*

*powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."* Here an evident distinction is recognized between national and state sovereignties, and no powers other than those "*delegated*" by the constitution of the United States to the general government and retained, except those powers incident to its sovereignty, and necessary for its independent existence.

With regard to the precise question submitted to the committee by the resolution of the Senate, the natural construction of the compact between Indiana and the general government, applies to the grant of power made by the State to the United States, only to *navigable streams*, without defining the means of ascertaining their capacity for navigation, or describing any particular streams. What streams are navigable, therefore, is a question to be decided by the State, and is essential to a correct understanding of the proposition before the committee, and the correct action of the State authorities. It will not be contended that the State has not the exclusive and uncontrolled jurisdiction, by the compact with the general government and her constitution, formed under that compact, over all streams not navigable. There are, at common law, several classes of navigable streams, but the committee will not refer to them. In the case of *Cox vs. the State of Indiana*, decided at the May term 1833, of the Supreme Court of Indiana, the distinction is made between streams, the heads of which have been surveyed and sold, and those which have not. The doctrine and reasoning of the Court in that case is conclusive, as to the principle settled—that "neither the state legislature, nor Congress, can authorize the erection of *obstructions* in any *navigable* stream within the State." The committee, however, think that this case has not settled the character of evidence upon which the State shall rely in determining what streams are navigable and what are not navigable. And as no mode has been pointed out by the general government, under the compact, by which the contracting parties were to determine what streams were navigable, the committee conceive that in the event of any dispute between the parties, there is left no mode of deciding except through the Supreme Court of the United States. The State undoubtedly, from the necessity of the case, and from the nature of the grant, has at least an equal (the committee will not say superior,) right to decide what streams shall be considered navigable. The mere fact of the United States, in the survey of the national domain, failing to include the beds of streams in such surveys, cannot establish those streams as navigable, and place them beyond the jurisdiction of the State. The surveyors are mere agents of the general government, employed *ex-parte*, for a particular purpose, and even their duties may be carelessly and incorrectly performed, and especially in an unsettled country their judgment of an unknown stream must often be very erroneous. Can it be contended that the jurisdiction of an individual, sovereign State, over a stream within its limits, depends upon a tenure so frail, as the *discretion* of a mere agent of the general government? The surveyor may follow the meanderings of the stream or

not, as he pleases. If, by a mere casual glance, perhaps when it is swollen by rains, it *appears* to him that it is navigable, he passes it unsurveyed, and, in all time to come, the sovereign control of the State over that stream, is destroyed. The committee cannot conclude, therefore, that in any aspect of the question, *ought* the action of the surveyor to be final and conclusive against the rights of a sovereign State.

The committee, however, without pursuing their inquiries so far as to embrace the doctrine contended for by some, that the State has a right to build a dam across a *navigable* stream, provided she improves the navigation thereby, will lay it down as an irrefutable principle, that, for the promotion of her internal interests, she most clearly has a right to erect a dam across any stream within her limits in the event of her providing for the passage, through said dam, of water craft, free of "tax, impost or duty." This embraces the case under consideration. The committee recognize the Wabash river as navigable, as high up its stream, as Ballard's Bluff, the position of the dam, though they accord with the opinion expressed by the judiciary committee of the House of Representatives at its session in 1832, that those streams which may or may not be considered navigable "does not depend upon the mere circumstance of being meandered by the surveyor, and noted by him upon the plat of survey as such."

Having arrived at these conclusions, the committee conceive that something should be done to secure to the citizens of the upper Wabash, the *free* navigation of that stream, and that a lock should be constructed in the dam at Ballard's Bluff, in order to enable the passage of water-craft; they therefore recommend to the Senate, the passage of the bill reported to the Senate, from the committee of Canals and Internal Improvements, entitled "a bill to provide for the construction of a lock in the pool dam near Delphi," and ask to be discharged from the further consideration of said resolution.

*Ordered*, That the committee be discharged.

Mr. Ewing made the following report:

The committee to which was referred the petition of Ebenezer Ward and others, praying for a state road from Rochester to Monticello, have had the same under consideration, and have directed me to report the following bill:

The bill was read a first time, and

On motion of Mr. Beard, the rules of the Senate were dispensed with, the bill read a second time and engrossed for a third reading.

Mr. Clark from the committee on canals and internal improvements, made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the Senate, No. 36, entitled a bill supplemental to an act entitled, an act to provide a general system of internal improvement, approved January 27, 1836, together with a proposed amendment pending, have directed me to report said bill to the Senate with-

out amendment, and the committee ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged.

On motion of Mr. Bell, the bill was referred to a select committee.

*Ordered*, That Messrs. Bell, Cole, Kennedy, Claypool and Liston, be that committee.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed joint resolution from the House of Representatives on the subject of a feeder taken out of the Tippecanoe river, have directed me to report the following amendment to the Senate, and ask their concurrence.

The amendments to the joint resolution in the report mentioned, were concurred in, and the amendments to the joint resolution were engrossed for a third reading.

Mr. Claypool made the following report:

The joint committee on public buildings have directed me to report the following bill, to wit:

A bill to preserve the fire engine at Indianapolis."

The bill in the report mentioned was read a first time and passed to a second reading.

Mr. Fowler made the following report:

MR. PRESIDENT—

The select committee to whom was referred the petition of Jacob Rhoads and others, praying the relocation of a part of the Shelbyville and Vernon state road, have according to order had that subject under consideration, and have directed me to report a bill for that purpose. The bill in the report mentioned, was read a first time, and

On motion of Mr. Fowler, the rules of the Senate were dispensed with and the bill read a 2d time.

On motion of Mr. Fowler, the bill was amended by inserting the words "of Decatur county," after the words "Jesse B. Fuget," in the first section; and

On motion of Mr. Clark, the bill was considered as engrossed, read a third time, and passed.

On motion of Mr. Stewart,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of repealing the 35th section of an act regulating the jurisdiction of and duties of justices of the peace, approved February 10th, 1831.

On motion of Mr. Little,

*Resolved*, That the committee on education be requested to inquire into the expediency of authorizing the several Boards doing county

business in this State, to appoint some suitable person in each county to examine into the situation of the school funds and report to said Board at least once a year, the amount of said fund belonging to the respective counties, loaned out, and whether the same be safe or not; and such other information as the said person so appointed may find necessary.

On motion of Mr. Claypool,

*Resolved*, That the judiciary committee be directed to inquire what legislative action is necessary (if any) to the permanent location of that part of the Whitewater canal which passes through the State of Ohio.

On motion of Mr. Trask,

*Resolved*, That a select committee be appointed to inquire into the expediency of making an appropriation for the erection of a bridge across Clear creek in Huntington county.

*Ordered*, That Messrs. Trask, Ewing, and Colerick, be the said committee.

Mr. Ewing introduced a bill entitled "an act to incorporate the Liverpool Bridge Company; which was read a first time, and

On motion of Mr. Crawford, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on corporations.

Mr. Casey introduced a bill entitled "an act to locate a state road therein named;" which was read a first time, and

On motion of Mr. Stewart, read a second time and referred to a select committee.

*Ordered*, That Messrs. Casey, Stewart and Vawter, be said committee.

Mr. Milroy introduced a bill entitled "an act to authorize the survey of a rail road from La'ayette to Michigan City;" which was read a first time, and

On motion of Mr. Milroy read a second time; and referred,

On motion of Mr. Vawter, to the committee on canals and internal improvements.

Mr. Daily introduced a bill entitled "an act to amend an act to provide for a general system of internal improvement;"

Which was read a first time and passed to a second reading.

Mr. Vawter made the following report:

Mr. Vawter from the joint committee on enrolled bills, reports that they have compared the enrolled with the engrossed bills, as follows, to wit:

No. 21—An act to authorize the election of an additional justice of the peace in Franklin township in Owen county, and in the township of Vienna in Scott county;

No. 82—An act to organize the county of Dekalb, and locate the seat of justice thereof,

And find the same truly enrolled.

The Senate then proceeded to the consideration of the orders of the day:

The bill to establish a state road from Kirk's cross roads in Clinton county to Michigan City, was read a third time and passed.

The bill of the House of Representatives entitled "an act to incorporate the St. Joseph Manual Labor Collegiate Institute, was read a third time and passed.

The joint resolution of the House of Representatives, entitled "a joint resolution relative to officers of the State Bank and Branches," was read a third time and passed.

The bill of the House of Representatives entitled "an act supplemental to an act authorizing the Agent of State to make a deed to a certain lot of land adjoining Indianapolis, called Brickyard lot No. 3, but should be lot No. 1, to Wilks Reagin, approved Feb. 8, 1836," was read a third time and passed.

The bill of the House of Representatives, entitled "an act to repeal a part of the Crawfordsville, Covington, and Illinois rail road charter, was read a third time and passed.

The bill of the Senate entitled "an act relative to evidence," was read a third time and passed.

The bill of the House of Representatives entitled "an act to incorporate the Trustees of the Western University" was read a third time and passed.

The bill of the Senate entitled "an act to incorporate the town of Greensburgh in Decatur county, Indiana," was read a third time and passed.

The following message was received from the House of Representatives by a member:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have concurred in the amendments of the Senate to the bill of the House, to wit: bill of the House

No. 84—to organize the county of Dekalb and to locate the seat of justice thereof; and a bill of the House

No 21—authorizing the election of an additional justice of the peace in Franklin township, Owen county.

The Speaker of the House of Representatives having signed enrolled joint resolutions entitled as follows:

No. 27—A joint resolution on the subject of the purchase of the Louisville and Portland canal stock;

No. 34—A memorial and joint resolution of the State of Indiana, asking an appropriation for the public works at Michigan City, Indiana,

I am directed to bring them to the Senate for the signature of the President thereof.

The President having signed the joint resolutions in the message mentioned, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have adopted the following resolution:

*Resolved*, That a committee of seven members be appointed on the part of this House to act with a similar committee to be appointed on the part of the Senate, to examine the office of the Secretary of State, and report the result of their examination to their respective Houses.

Messrs. Wright, Briggs, Macy, Pabody, Owen, Reeve, and Thornton, are appointed said committee on the part of the House of Representatives.

On motion of Mr. Thompson of L., the resolution of the House of Representatives, on the message mentioned, was reciprocated.

*Ordered*, That Messrs. Thompson of L., Collins, Colerick, Vawter, Clark, Hamilton, and Bell, be the committee on the part of the Senate.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the House of Representatives,

No. 143—An act to prevent disasters on steam boats,"

In which the concurrence of the Senate is requested.

The bill in the message mentioned, was read a first time, and

On motion of Mr. Collins the rules of the Senate were dispensed with, the bill read a second time, and referred to the judiciary committee.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate,

No. 38—An act to establish a certain state road therein named, in the counties of Perry, Crawford and Orange," with amendments,

In which the concurrence of the Senate is respectfully requested.

The amendments of the House of Representatives, to the bill in the message mentioned, was not agreed to.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On leave granted, Mr. Ewing introduced the remonstrance of John D. Chapman, remonstrating against the incorporation of a com-



pany to construct a bridge across Deep river at the town of Liverpool;  
Which was on motion of Mr. Ewing, referred to the committee on corporations.

Mr. Elliott from the joint committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills, report, that they did on this day present to His Excellency the Governor, for his approval and signature, the following joint resolutions:

No. 27—A joint resolution on the subject of the purchase of the Louisville and Portland canal stock; and also,

No. 34—A memorial and joint resolution of the State of Indiana, asking an appropriation for the public works at Michigan City, Indiana; All of which originated in the House of Representatives.

Mr. Vawter, from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report, that they have compared the enrolled with the engrossed joint resolutions, No. 174, of the House of Representatives, entitled "a joint resolution in relation to a law therein named,

And find the same truly enrolled.

On motion of Mr. Stanford, the Senate resumed, in committee of the whole, the consideration of the bill to provide for the loaning of so much of the surplus revenue of the United States as this state may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836.

On motion, the committee arose, and Mr. Brady, the Chairman, made the following report:

Mr. PRESIDENT—

The committee of the whole to whom was referred the bill to provide for the loaning of so much of the surplus revenue of the United States as this State may be entitled to and receive by virtue of an act of Congress, approved, January 23, 1836, have had the same under consideration, and have instructed me to report that they have made some progress, but not having had time to complete the same, ask leave to sit again.

*Ordered*, That the committee have leave.

On motion,  
The Senate adjourned.

THURSDAY, JANUARY 12, 1837.

The Senate assembled.

The President laid before the Senate the following communication from Dr. Isaac Coe; which was,

On motion, laid on the table and 200 copies ordered to be printed:

OFFICE OF THE CANAL FUND COM'RS. }  
Indianapolis, Jan. 10, 1837. }

*To the General Assembly  
of the State of Indiana:*

The Commissioners of the Canal Fund having completed the settlement of the accounts of the Board of Internal Improvement (as far as rendered) for expenditures to the 1st Dec. last and other accounts to the 31st, now present to your honorable body, as required by law, the result of the settlement.—A statement of the *Wabash and Erie Canal* fund, and an account of the receipts during the past year, and from the commencement of the work.

There was on hand at the date of the last report, January 23d last,	\$285,892 54
Since which there has been received—	
Amount state bonds sold,	241,742 58
Per premium thereon,	1,581 98
For Interest on deposits and discount for prompt pay on 1 draft on time,	8,771 92
“ Interest on state bonds sold last year, after date and before delivery,	2,034 83
From sale 2 yoke oxen by J. B. Johnson, \$90, trespass on canal, \$18,	108 00
“ sale and payment of interest on canal lands,	53,184 23
	<hr/>
	\$593,316 08

And there has been paid out—

To contractors on Wabash and Erie canal,	\$290,357 58
For contingent expenses on line,	16,155 99
	<hr/>
	\$306,513 57
“ Expense of canal land office,	1,079 73
“ Fund Com'rs. <i>per diem</i> and expenses,	\$1,723 92
“ Their expenditures, for printing bonds, clerk hire, office rent, fuel, candles, postage, &c.,	331 38½
	<hr/>
	\$2,055 30½

" Auditor's salary \$150, jailor's fees by special act \$67,		217 00
" 1 year's interest on \$100,000 six per cent. state bonds,	\$6,000 00	
" 1 years interest on 605,257 42 5 per ct.	30,262 88	
	<hr/>	36,262 88
To Gov. Noble on account of last years survey of rail roads,		4,100 00
And there is on hand and due—		
Due from John Scott former canal com'r.	451 75	
" Board of Internal Improvement,	19,976 78	
" Internal Improvement fund,	10,855 60	
" State Bank,	1,477 96½	
" Merchants' B'k. N. Y. on deposit,	21,932 95	
" Morris Canal and Banking Co.	140,390 00	
" J. J. Cohen, jr. and Brothers,		
Baltimore,	9,183 33	
" Indianapolis branch Bank, deposited in Dec. by Burr & Lewis,	11,565 35	
" Fort Wayne branch Bank, deposited by Lewis 26th Nov.	27,253 87	
	<hr/>	\$243,087 59½
		<hr/>
		\$593,316 08
		<hr/>

There has been received since the commencement of the work:	
From road and canal fund per act of 1828,	\$1,892 45
" Nett proceeds of canal lands after deducting expenses,	221,350 32
" Amount of state bonds sold for Wabash and Erie canal fund,	947,000 00
" Premium thereon and interest on deposits after deducting interest on,	58,604 04
" Trespass on canal,	30 00
	<hr/>
	\$1,228,876 81
	<hr/>

And there has been paid out:	
On account of Wabash and Erie canal, including contingent expenses of canal commissioner and fund commissioner and deducting \$90 received from sale of 2 yoke of oxen,	\$892,196 76½
For interest on state bonds,	54,828 96
" Rail road surveys,	\$22,653 50
" Survey of White-water canal,	991 81
" do of Central canal,	10,630 62

" do of continuation of Wabash and Erie do west of Tippecanoe,	4,487 56	
Amount paid for other works,	<u>\$38,763 49</u>	\$38,763 49
And there is on hand and due fund as before named		<u>243,087 59½</u>
		<u>\$1,228,876 81</u>

And there remains to be loaned under the internal improvement act of last session, for the Wabash and Erie canal fund, \$380,000.

Of the \$21,932 95 on deposit at Merchants' Bank the 31st Dec., \$20,700 were required the first inst. to pay 6 months interest on \$808,000 state bonds, payable at that place of which \$100,000 are at 6 per cent. interest leaving the balance of the fund on hand, \$222,387 59.

The interest on 139,000, payable at the Bank of the Morris Canal and banking Company will be a little more than provided for, by the interest on that sum and the premium, from the 1st July last, at the same rate of interest as the bonds draw.

All which is respectfully submitted,

By order of the Board,  
ISAAC COE, Sec'y.

OFFICE OF THE CANAL FUND COM'RS. }  
Indianapolis, Jan. 10, 1837. }

*To the General Assembly,  
of the State of Indiana:*

The Canal Fund Commissioners having completed the settlement of the accounts of the Board of Internal Improvement (as far as rendered) for their expenditures, up to the 1st December last, and of other accounts to the 31st Nov., as required by law, report to your honorable body, the result of that settlement as relates to the *Internal Improvement Fund*—the state of that fund, and the receipts and disbursements made on account thereof:

There has been received on ac't. of the Internal Improvement Fund:	
For amount of state bonds sold,	\$850,000 00
" 1 per cent premium on \$450,000,	4,500 00
" Interest on deposit at Cohen's bank to 1st Nov.	7,199 85
Of Wabash and Erie canal fund, expended by board of internal improvement on works of this fund,	10,855 60
Of Indianapolis branch bank, to be repaid by draft on New York,	2,509 41
	<u>\$875,064 86</u>

And there has been paid out—

To Evansville branch bank for temporary loan of  
\$14,000 at 5 per cent.

\$203 24

To Board of Internal Improvement:

For expenditures on White-water canal,	4,644 97
“ do on Central canal,	21,567 15½
“ do continuation of W. & E. do.	6,259 31½
“ do Cross-cut canal	3,145 77
“ do Fort Wayne and Michigan,	3,691 76½
“ do Madison & Lafayette rail road,	13,439 57½
“ do Jeffersonville & Crawfordsville road,	3,866 02
“ do N. Albany and Vincennes road	4,261 84½
“ Gen. contingent expenses of Board In- ternal Improvement,	2,326 75

\$63,203 06½

“ expenditures of Fund Commissioners  
in making loan,

40 80

And there is on hand—

In the hands of the board internal im-  
provement,

12,645 64½

Deposited in Merchants' Bank, N. Y.

10,000 00

In Bank of Morris Canal and Banking  
Company,

444,500 00

In Bank of J. J. Cohen, jr. and Brothers,  
Baltimore,

344,472 11

811,617 75½

\$875,064 86

The \$10,000 in Merchants' Bank N. York, was placed there by draft in its favor payable the 1st inst., to meet that amount of interest due that day on \$400,000 state bonds sold the Messrs. Cohens, which will reduce the amount on hand to \$801,617 75½.

The interest due the 1st inst. on \$450,000 state bonds sold Thomas Biddle & Co. and the Morris Canal and Banking Co. and payable at the Morris Canal and Banking Co's. Bank, is something more than provided for by the interest accruing, both on account of the bonds and premium, amounting to \$454,500, which bears the same interest as the bonds from the 1st July, and from which only \$10,000 have been drawn near the last Dec.

All which is respectfully submitted,

By order of the Board,

ISAAC COE, Sec'y.

The President laid before the Senate the following communication from his Excellency the Governor; which was,

On motion of Mr. Smith, referred to a select committee.

*Ordered,* That Messrs. Smith, Stanford, Walker and Bell be the said committee.

SIR—

The late survey for rail roads and turnpikes committed to the charge of the Governor, having involved the expenditure of a large sum of money, the accounts for which are liable to be mislaid or lost, I request that the Senate will direct a committee to see if the money is correctly accounted for.

Respectfully,  
N, NOBLE.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill and joint resolution of the House of Representatives, entitled as follows:

No. 64—An act for the relief of J. B. Richards and F. Godfroy;

No. 215—A preamble and joint resolution on the subject of erecting a bridge across the Kankakee river in Porter and Newton counties;

In which the concurrence of the Senate is respectfully requested.

The bill No. 64, in the message mentioned, was read a first time; and,

On motion of Mr. Ewing,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr.        was referred to the standing committee on canals and intenal improvements.

The preamble and joint resolution No. 215, in the message mentioned, was read; and

On motion of Mr. Crawford,

The rules of the Senate were dispensed with, the joint resolution read a second and third times and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed joint resolution of the Senate, entitled,

A joint resolution on the subject of the northern canal, with an amendment;

In which the concurrence of the Senate is respectfully requested.

The amendment to the joint resolution in the message mentioned, was concurred in by the Senate.

Mr. Thompson of L. introduced a remonstrance of sundry individuals, remonstrating against the removal of obstructions in Salt creek;

Which was, on motion of Mr. Thompson,

Referred to the same select committee to whom a similar remonstrance was referred.

Mr. Stafford introduced the remonstrance of William Townsend and others, citizens of Morgan county, remonstrating against any change in the state road leading from Indianapolis to Leavenworth, between Martinsville and Clear creek; which was,

On motion of Mr. Stafford, referred to the same committee to whom a petition on the same subject was referred.

Mr. Chambers presented the petition of Jacob Sherley and others, praying for the repeal of all laws, granting privileges by which the navigation of Lost river or Lick creek is or may be obstructed; and to appropriate a sufficient sum of money to remove all obstructions to the navigation of the said streams; which was,

On motion of Mr. Chambers, referred to a select committee.

Ordered, That Messrs. Chambers, Moore and Thompson of L. be the said committee.

Mr. Clark' from the committee on canals and internal improvements made the following report; which was,

On motion of Mr. Hamilton,

Laid on the table and one thousand copies ordered to be printed.

Mr. PRESIDENT—

The committee on canals and internal improvements to whom by a resolution of the Senate was referred so much of the Governor's message as relates to the supposed inequality of the authorized system of internal improvements, with instructions to inquire into and report to the Senate, what additional public works are necessary to extend equal benefits to every part of the State, particularly as relates to that portion of the State north and west of the Wabash river, have considered the subject, and a majority of the committee have directed me to make the following report:

The prosperity which other states have derived from the construction of works of internal improvement, has given an extraordinary impulse to the public mind in their favor. Before the value of canals and rail roads had been demonstrated by a practical experience of their advantages, the popular voice in most of the States, revolted against the vast expense at which they were proposed to be constructed. A degree of enthusiasm on the part of those by whom they were sustained was necessary to defend them against the assaults of those who apprehended ruin and bankruptcy from the immense debts necessarily incurred. To quiet such fears, their advantages were magnified, and

their cost estimated much below the real sums necessary to complete them.

The splendid results which followed the first essays made in the U. States, banished all apprehension from the minds of those who had anticipated nothing from them except oppressive taxation, and a prostration of public credit. The expectations of their most ardent friends having been realized, and the fears of others dissipated, their popularity became unbounded. The sanguine and uncalculating were induced to imagine, because of the success of the first great undertakings which from the opposition they encountered could only have enlisted public support by their palpable and acknowledged utility, that all such projects wherever constructed, would be equally profitable.

The changes which take place in the direction of the trade of a country by the creation of new channels of commerce has the effect to transfer a portion of the value of property from the old lines to the new, and sometimes without imparting any additional advantage to the county in which such artificial channels of trade may be constructed; though to a careless observer it may have the appearance of opening a new source of prosperity. Such changes in the direction of the trade of a country, operate as a change in the currency, deranging the established value of property. And the cupidity of individuals often enlists them in support of such measures with the hope of profiting by the opportunities of speculation which are thus created, each, as in a lottery, trusting to his good fortune to secure the prize, forgetting the certain loss which must ensue in the general result. Thus it may sometimes happen, that by peculiar combinations of individual and political interests that works might be authorized by the State of no general advantage, whatever.

These statements are made not in disparagement of the value of canals and rail roads, but to invite a close investigation of the advantages which, upon a reasonable estimate, might result from their consideration, and to lead us, if possible, to avoid the purchase of very small additions to the wealth, and commercial facilities of the State, with a very great expenditure of capital. That a state should engage in such undertakings upon no other grounds than that of reducing the cost of transportation and increasing the commerce of the country, is a proposition too plain to require argument in its support.

Perhaps as a general rule, it may be safely presumed that only those works, the profits arising from which would pay the interest upon their cost, ought to be undertaken, their advantages and the necessity for their construction can only be measured by the amount of merchandize which is transported upon them; and though their construction may, in some instances, create commerce along their lines, yet in all ordinary cases their beneficial influence amounts only to *cheapening transportation* and forming the means of constant and uninterrupted communication (as far as may be) between the districts through which they pass and the commercial marts to which they lead.

Almost always except in new and unsettled countries, it may be fairly presumed that no very great increase of trade can grow out of



improved channels of transportation; but only that it will be relieved of a tax exactly in the same ratio as the difference between the old mode of transportation and the new. It is, however, true, that some heavy commodities by rendering the cost of their transportation cheap, do sometimes thus acquire a value, when otherwise they would possess none. But with all this allowance it may be safely affirmed that if such a work will not, with the tolls arising from it, pay the interest (or the greater part of it) upon its cost, that the tax levied to construct it and maintain it, is greater than the tax upon the commerce of the country which it was intended to remove; although when a large district of country is made to contribute to the construction of such a work for the benefit of a small district, the latter may be greatly benefitted, and the former not much injured. But by extending such a system so as to embrace an entire community, it would become apparent, at least that no pecuniary advantages could be anticipated: and if constructed by government, other considerations than mere pecuniary or commercial profits, would influence its decision.

Nature generally marks out the great channels of commerce in every country, by the direction of the principal streams, especially in the infancy of its settlement when the chief commodities are the bulky products of agriculture, and the heavy articles of primary necessity; such as iron, salt, and the implements of husbandry, the vallies of large streams and their tributaries being always most fertile and productive, invite and are capable of maintaining the densest population: on the margin of rivers, towns necessarily spring up, and by the unerring laws of nature, their waters roll on to other larger channels, thence to the ocean, the great river of the world upon whose broad channel the commerce of all nations is transported.

The last legislature authorized the commencement of a system of internal improvement, which in the opinion of the committee embraces, all the principal divisions of the State, and includes a sufficient number of works to accommodate most of its great interests. That in some instances that portion of the country in the immediate vicinity of the works authorized to be constructed is more benefitted than districts farther removed from them, admits of no doubt. Such is the nature of all human exertions; their power is limited. Individuals are often compelled to overlook smaller interests to preserve the greater, and much more difficult is it for a government to manage the complex concerns of a great community. The great and leading interests of a state must be most vigilantly guarded, for through these all the lesser flow. And so likewise the great channels of navigation, of commerce, the principal routes of trade, of travel and of transportation must first be improved, for on these the smaller depend, and without them would be useless.

The great National Road passes from east to west through the state somewhat south of a line drawn east and west through its centre. The subjoined table shows the cost of the works both to the north and south of that great thoroughfare.

	Cost of works North of Na- tional Road.	Cost of works South of Na- tional Road.
Central Canal - - -	\$2,103,154	\$2,400,947
White Water Canal - -	45,345	1,096,781
Madison & Lafayette Rail Road -	1,238,167	1,096,597
Jeffersonville & Crawfordsville Rail Road	400,000	2,000,000
Eel river Cross-Cut - -		629,632
New Albany & Vincennes M'Adamized Road		1,590,737
Improvement of Wabash river -		50,000
W. & E. Canal from state line to mouth Tip.	1,424,538	
do Tippecanoe to Lafayette	203,928	
do Lafayette to Terre-Haute	1,067,915	
New Castle Cross-Cut - -	720,000	
Erie & Michigan Canal - -	1,800,000	
Loaned to Lawrenceburgh Rail Road Co.		500,000
	<u>\$9,003,047</u>	<u>\$9,304,691</u>

It will be seen from the foregoing table that computing the expenditures made in the northern and southern sections of the state no great inequality exists, though it may be possible that the works to be constructed, do not place every part of the state precisely upon an equality in point of public expenditure, yet no great section of the state was overlooked, and perhaps the only consideration which could have justified a prudent statesman in advocating so extensive a system, was that the cheerful co-operation of all portions of the country might be obtained in its support.

The state has embarked in an arduous enterprize, her whole energy will be requisite to conduct it to a prosperous issue. The greatest prudence and judgment should mark its legislation in reference to it. Unless the credit of the state be guarded with the most unceasing vigilance with a scrupulous regard to the preservation of her plighted faith to those who have advanced money upon her bonds, the most disastrous consequences must result. If her credit fails, the works unfinished, and unproductive, must be abandoned to delapidation and decay. The state will be embarrassed with a heavy debt, and the people oppressed with taxes to redeem expenditures which have yielded nothing but disgrace.

Although the committee have conceived it to be their duty to advert to the disastrous consequences which an extravagant, visionary, or vassillating policy must inevitably entail upon the state, yet they apprehend no such results if her councils are governed by wisdom, pru

dence, and stability of purpose. If the whole state be united in effort we may advance securely on with a steadfast pace, to the completion of all the works, which have been authorized. And though there may be times of financial pressure, when some contribution from the people will be required to meet the interest on the loans, yet, when it is recollected that a million of dollars (perhaps more), will be annually expended in the state and added to our currency, that there will be an influx of wealth by emigration from other states, and that within a few years the immense tracts of the public domain, recently purchased by individuals, will be added to our tax list. No serious embarrassment need be apprehended from these demands.

The committee believe it important that the extent and magnitude of our system be understood, and the probable yearly demands upon the treasury, which it will create, as well as the resources of the state to meet these demands. They submit the following calculation, which is not claimed to be entirely free from error, but approximates as near the truth, perhaps, as the somewhat hypothetical nature of the subject will permit.

*Estimate of probable amount of Interest due from the State each year upon loans for Internal Improvement.*

The Wabash & Erie canal above the mouth of Tippecanoe river, stands upon a different basis from other works of internal improvement on account of the grant of lands for that work. It may be assumed that this work will create a debt of \$500,000, in addition to the proceeds of the lands—the annual interest upon which, at 5 per cent., will be \$25,000.

1837.

Interest on W. & E. Canal debt as above	\$25,000
This year there may be expended on the public works \$1,000,000, but as this expenditure will be distributed throughout the whole year, it will be safe to suppose that only a half year's interest on this sum will be required this year, which at 5 per cent., is	25,000
Total demand upon the state for 1837	<u>\$50,000</u>

1838.

Interest on W. & E. Canal debt as above	25,000
do on \$1,000,000 expended in 1837, at 5 per cent.	50,000
This year the expenditure may amount to \$1,100,000, a half year's interest on which at 6 per cent., is	33,000
Total demand upon the state for 1838	<u>\$108,000</u>

1839.

Interest as above on W. & E. canal debt	\$25,000
do on \$1,000,000 expended in 1837, at 5 per cent.	50,000
do on \$1,100,000 expended in 1838, at 6 per cent.	66,000

This year there may be expended \$1,200,000, 6 months interest at 6 per cent.

36,000

Total demand for 1839

\$177,000

During the year 1839, some portions of the several works will be put in operation, though no revenue should be expected after making the necessary repairs.

1840.

Interest due on W. & E. Canal debts as before	\$25,000
do on \$1,000,000 expended in 1837 at 5 per cent.	50,000
do on 1,100,000 " 1838 at 6 per cent.	66,000
do on 1,200,000 " 1839 at 6 per cent.	72,000
The expenditure in 1840 may amount to \$1,300,000, a half year's interest on which will be at 6 per cent.	39,000

\$252,000

By the close of this year the W. & E. canal will be completed from Lafayette to the Lake, the White Water canal from the Ohio to Connersville, the Madison road to Columbus, together with portions of the Albany & Vincennes road, the Bloomington road, and the Central and Cross-Cut canals. The people of the state will realize much benefit from these works during this year, yet as they will be new it cannot be supposed that they will nett a very large sum, after paying the expense of repairs. It may be safe to estimate the profits at

15,000

Total demand for 1840

\$237,000

1841.

Interest on W. & E. canal debt as before	\$25,000
do on \$1,000,000 disbursed in 1837 at 5 per cent.	50,000
do on 1,100,000 do 1838 at 6 per cent.	66,000
do on 1,200,000 do 1839 at 6 per cent.	72,000
do on 1,300,000 do 1840 at 6 per cent.	78,000
During this year there may be expended \$1,400,000 a half year's interest on which at 6 per cent., is	42,000

\$333,000

It is supposed that the W. & E. canal to Lafayette, and the White Water canal to Connersville, will be navigable during the whole of this year, and that from these and other works, a nett revenue may be derived of

80,000

Total amount to be provided for in 1841

\$253,000

1842.

Interest on W. & E. canal debt as before	25,000
do on \$1,000,000 expended in 1837 at 5 per cent.	50,000
do on 1,100,000 " 1838 at 6 per cent.	66,000
do on 1,200,000 " 1839 at 6 per cent.	72,000
do on 1,300,000 " 1840 at 6 per cent.	78,000
do on 1,400,000 " 1841 at 6 per cent.	84,000
Expenditure during this year, say \$1,500,000, six months interest, on which at 6 per cent., is	45,000

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\$420,000

During this year additional portions of the public works will come into use, from the whole of which nett revenue may be derived of, say	120,000
	<hr/> \$300,000 <hr/>

In estimating the means within the control of the legislature at the present time, the first that presents itself is the deposit of the surplus revenue of the General Government, made with the state of Indiana by a late act of Congress, which it is believed may be estamed at \$1,500,000. Should the legislature see proper to fund this money and loan it for a term of years upon real estate security, it may be safe to suppose that an annual income of 8 per cent. equal to \$120,000 may be realized from this source after deducting the attendant expenses.

The present valuation of taxable property in the state, is about \$78,000,000. This it is believed, under the influence of our system of improvement, together with the natural growth of the state, and the recent purchases of land, every year, becoming taxable will increase at an average rate of 10 per cent. annually. If a special tax were laid of 5 cents on the hundred dollars to be pledged for the payment of the interest on the Internal Improvement debt, a considerable revenue may also be derived from this source.

The annual revenue from both these sources may be estimated as follows:

1837.

Proceeds of surplus revenue this year	\$60,000
Total valuation \$85,800,000, which at 5 cents on the \$100 will be	42,900
Available means	\$102,900
Demand as before shown	50,000
Excess applicable to future demands	<hr/> \$52,900 <hr/>

1838.

Surplus revenue this year after adding the above excess, is	
\$1,552,900, which at 8 per cent., is	124,232
Total valuation \$94,380,000 at 5 cents on \$100 gives	47,190
Available means	<u>\$171,422</u>
Demand as before shown	108,000
Excess	<u>\$63,422</u>

1839.

Surplus revenue after adding the above excess \$1,616,322	
at 8 per cent., gives	129,306
Total valuation \$103,818,000, at 5 cts. on \$100, gives	51,909
Available means	<u>\$181,215</u>
Demand as before shown	177,000
Excess	<u>\$4,215</u>

1840.

Surplus revenue after adding last excess, is \$1,620,537, at	
8 per cent. gives	129,643
Total valuation \$114,199,800, at 5 cents on \$100, is	57,100
Available means	<u>\$186,743</u>
Demans as before shown	237,000
Deficit	<u>\$50,257</u>

1841.

Surplus revenue after deducting last deficit, is \$1,570,280,	
at 8 per cent. gives	125,622
Total valuation \$125,619,780, at 10 cents on \$100, is	125,619
Available means	<u>251,241</u>
Demand	253,000
Deficit	<u>\$1,759</u>

1842.

Surplus revenue after deducting last deficit, is \$1,568,521,	
at 8 per cent. is	\$125,482
Total valuation \$138,181,758, which at 10 ct. on \$100, is	138,180
Available means	<u>\$263,662</u>
Demand	300,000
Deficit	<u>\$36,338</u>

It will be seen by this statement that for the year 1842, the available means of the State will not be quite equal to the demand. There is, however, good ground for the belief that after that period no very great increase of taxation will be required.

Unless the compromise between the northern and southern sections of the Union upon the vexed question of the tariff, be disturbed; and even in any event in the present prosperous condition of the country, unless prevented by extravagant and wasteful expenditures upon the sea board, the committee cannot resist the belief that a considerable surplus will occasionally accumulate in the national treasury.

The western States have a right to claim a distribution of such accumulations, or some other equivalent policy, by which they may participate in the expenditures of funds, of which they contribute their equal proportion. The interior of the country is commercially tributary to the sea board. The tax which is levied upon the importation of merchandise falls as much upon the consumer in the interior, as upon the inhabitants of the Atlantic States, and the tendency of commerce itself is to accumulate large commercial profits in the great cities upon the sea board, and we cannot perceive by what rule of equity the expenditure of the whole revenue of the United States can be claimed for those favored portions of the Union.

Our own channels of commerce which we are attempting to construct, are only extensions of those constructed by the states bordering on the sea coast, or which have been formed there by the bounty of nature. The committee therefore confidently anticipate a continuance of the policy adopted by Congress at its last session, and think it safe to make some reliance upon means derived from that source.

The committee have not been insensible to claims of those portions of the State unprovided for by the system of improvement authorized by the legislature at its last session. They are of the opinion that a proper regard for the best interests of the State demands, that all claims to an extension of the system, however just they may appear, shall be postponed until the works now undertaken are so far completed as that the revenue arising from them may contribute something towards the payment of the interest upon the money borrowed to construct them, and thus not only maintain a just confidence in the credit of the State, but also alleviate the otherwise insupportable burthens of taxation which would fall on the people. Those portions of the country whose claims are now deferred, it is thought may rely upon the justice of the State hereafter when her means will permit, to render them ample remuneration.

And the committee have further directed me to report, that in their opinion, any further enlargement of the system of internal improvement at the present session, is inexpedient, and would lead to a prostration of the credit of the State, and an abandonment of the works already commenced, and they ask to be discharged from the further consideration of the subject.

Mr. Liston made the following report:

Mr. PRESIDENT—

The select committee to which was referred the bill to organize the county of Wells, have had the same under consideration and have directed me to report the same back to the Senate without amendment.

The report was concurred in, and the bill amended by striking "five" out of the tenth line of the fourth section and inserting "ten."

On motion of Mr. Dunning,

The bill was further amended by striking out the 6th section and all that part of any subsequent section which relates to the three per cent. fund.

On motion of Mr. Clark,

The amendments were considered as engrossed, the bill read a third time and passed.

Mr. Little made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Wm. L. Matlock and others, praying a change in part of the state road leading from Mooresville by way Danville to Crawfordsville; also a remonstrance against said change, have had the same under consideration, and have directed me to report a bill entitled,

A bill to authorize a change in part of the state road from Mooresville by Danville to Crawfordsville.

The bill in the report mentioned, was read a first time; and

On motion of Mr. Little,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Beard,

The rules of the Senate were further dispensed with, the bill read a third time and passed.

Mr. Dunning made the following report:

Mr. PRESIDENT—

The select committee to which was referred the bill entitled a bill relating to state roads, have had the same under consideration, have made one amendment thereto, and directed me to report the same with the amendment back to the Senate and ask their concurrence therein.

The amendment was concurred in; and

On motion, considered as engrossed, the bill read a third time and passed.



Mr. Thompson of L. proposed for adoption the following resolution:

*Resolved*, That during the remainder of the present session, the Senate will proceed on each day at 2 o'clock, P. M., with the orders of the day, provided they are not reached before that time in the ordinary progress of business.

Mr. Mitchell moved to lay the resolution on the table;

Which was not agreed to.

And the resolution was adopted.

On motion of Mr. Thompson of P.,

*Resolved*, That the Treasurer of State be respectfully requested to lay before the Senate a succinct and detailed statement of the amount of money paid out of the contingent fund for postage during the past year.

Mr. Mitchell proposed for adoption the following resolution:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of making it the duty of the circuit and probate judges to commit to writing the substance of all charges which they may give to juries, and the substance of all matters they may be requested to charge, and which the judges shall sign and file in the clerk's office of the county, a certificate of which by the clerk shall at the request of either party be taken to be a part of the record in any suit, without filing a bill of exceptions.

On motion of Mr. Thompson of L., the resolution was amended by adding the following:

And that the juries shall furnish in their verdict their reasons for giving the same, and that each judge shall record all the fact testified by the witnesses, upon which his opinion is passed.

On motion of Mr. Dobson, it was further amended as follows:

And justices of the peace shall also record their charges to juries on their dockets; and

On motion of Mr. Boon, the resolution and amendments were laid on the table,

On motion of Mr. Cole,

Mr. Trask was added to the select committee to whom was referred the bill making Andersontown a point in the Central canal; and

On motion,

The Senate adjourned.

2 o'clock, P.M.

The Senate assembled.

On motion of Mr. Thompson of L.,

The Senate resumed in committee of the whole, the consideration of the bill to provide for the loaning of so much of the surplus revenue of the United States as this state may be entitled to and receive by virtue of an act of Congress, approved 23d of June, 1836;

On motion, the committee of the whole arose; and

Mr. Brady the chairman, made the following report:

Mr. PRESIDENT

The committee of the whole to whom was referred the bill on the subject of the surplus revenue, have had the same under consideration, but not having had time to complete the same, they have instructed me to report progress, and ask leave to sit again.

*Ordered*, That the committee have leave.

On motion,

The Senate adjourned.

FRIDAY, JANUARY 13, 1837

The Senate assembled.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have concurred in the amendments of the Senate to the engrossed bill of the House of Representatives,

No. 52—An act authorizing William McCartney, sen. and others, to cut a race from the head of the Kankakee into the St. Josephs river.

The Speaker of the House of Representatives having signed enrolled bills of the House, entitled as follows, to wit:

No 21—An act authorizing the election of an additional justice of the peace in Franklin township, Owen county, and in the township of Vienna, in Scott connty,

No. 84—An act to organize the county of De Kalb and to locate the seat of justice thereof; and

No. 174—A joint resolution in relation to a law therein named,

I am directed to bring them to the Senate for the signature of the President thereof.

The House of Representatives insist on their amendments to the bill of the Senate No. 38, entitled "an act to establish a certain state road therein named, in the counties of Perry, Crawford, and Orange."

The President having signed the bills in the message mentioned, they were presented to the committee on enrolled bills to be handed to the Governor for his approval and signature.

On motion of Mr. Thompson of P., the message in relation to the bill to establish a certain state road in the counties of Perry, Crawford and Orange, was laid on the table.

The following message was received from the House of Representatives by Mr. Burton, a member:

Mr. PRESIDENT—

I am directed to inform the Senate that the House of Representatives have passed an engrossed bill of the House, No. 48, for the equal distribution of the three per cent. fund,

In which the concurrence of the Senate is requested.

The bill in the message named was read a first time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee of the whole, and made the order of the day for to-morrow.

The following message was received from the House of Representatives by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate, entitled as follows, to wit:

No. 3—An act to amend an act to authorize certain persons therein named to erect a dam across the St. Joseph river, approved February 6, 1836, without amendment:

And also engrossed bills of the House of Representatives, entitled as follows, to wit:

No. 3—An act providing for the election of United States Senator and other officers, by a *viva voce* vote of the legislature, and for other purposes;

No. 53—An act to legalize the sale of a part of the school section No. 16, in township No. 4, south of range No. 8 west, in Hancock county;

No. 68—A memorial and joint resolution on the subject of the Cumberland road;

No. 79—An act to incorporate the New Amsterdam Manufacturing Company;

No. 85—An act to incorporate the Fort Wayne and Maumee Bridge Company;

No. 98—An act to amend an act entitled "an act for the encouragement of agriculture," approved February 7, 1835;

No. 100—An act to provide for draining Lost creek in Vigo county.

No. 103—An act to increase the compensation of the Governor of the State, and other officers;

No. 105—An act to legalize certain sales of school lands in Fountain and Spencer counties, and

No. 110—An act to amend the act to incorporate the town of Indianapolis;

In which engrossed bills and joint memorial of the House of Representatives, the concurrence of the Senate is respectfully requested.

The bill No. 3, entitled "an act providing for the election of United

States Senator and other officers by a *viva voce* vote of the legislature and for other purposes," was read a first time, and

On motion of Mr. Crawford, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Beard, referred to the judiciary committee.

The bill No. 53, in the message mentioned, was read a first time and passed to a second reading.

The joint resolution No. 68, in the message mentioned, was read a first time, and on motion the rules were dispensed with, the joint resolution read a second time, and

On motion of Mr. Sigler, laid on the table.

The act No. 79, in the message mentioned, was read a first time, and

On motion of Mr. Mitchell, the rules were dispensed with, the bill read a second time, and referred to the committee on corporations.

The bill No. 85, in the message mentioned, was read a first time, &

On motion of Mr. Hillis, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

The bill No. 98, in the message mentioned, was read a first time, &

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on corporations.

The bill No. 100, in the Message mentioned, was read a first time, and

On motion of Mr. Boon, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

The bill, No. 103, entitled an act to increase the compensation of the Governor of the State, and other officers, was read a first time, and

On motion of Mr. Thompson of L., the rules of the Senate were dispensed with and the bill read a second time.

Mr. Mitchell moved to amend the bill by striking out "\$3," in relation to the pay of members, and to insert "\$4" in lieu thereof, and a division of the question being called for, the motion to strike out '\$3' was not agreed to.

Mr. Sigler moved to strike out all that relates to members of the legislature, and that part giving judges of Circuit Courts \$1000, which was not agreed to.

Mr. Dunning moved to amend by striking out '\$1500' in relation to Supreme Judges, and inserting '\$2000;' which was not agreed to.

Mr. Claypool moved to amend by inserting at the end of the first section, 'and that Grand and Petit Jurors, be allowed one dollar per day, payable as heretofore, out of the county treasuries,'

Which was not agreed to.

Mr. Morgan moved to amend by striking out all that relates to the salary of the Governor and the *per diem* of the members of the legislature; which was not agreed to.

On motion of Mr. Thompson of L., the rules of the Senate were

dispensed with, the bill read a third time, and on the question, shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Casey, Chambers, Cole, Colerick, Collins, Conwell, Crawford, Dumont, Dunning, Elliott, Everts, Hamilton, Hillis, Liston, Little, Milroy, Mitchell, Plummer, Puett, Stafford, Stewart, Turman, Thompson of P., Thompson of L., Trask, Vawter and Walker—31.

*And those who voted in the negative, are,*

Messrs. Bell, Clark, Claypool, Daily, Dobson, Ewing, Fowler, Hackett, Hoagland, Kennedy, Moore, Morgan, Sigler, Smith, Stanford—15.

And so the bill passed, and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Morgan, the vote taken on yesterday on a resolution relative to the orders of the day, was reconsidered, and the resolution withdrawn by the mover.

The Senate resumed the consideration of the message of the House.

The bill No. 105, entitled 'an act to legalize certain sales of school lands in Fountain and Spencer counties,' was read a first time, and on motion the rules of the Senate were dispensed with, the bill read a second time, and referred to a select committee.

*Ordered,* That Messrs. Thompson of P., Hamilton, and Beard, be the said committee.

The bill No. 100, entitled 'an act to amend the act to incorporate the town of Indianapolis,' was read a first time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with and the bill read a second time.

Mr. Moore moved to amend the said bill by inserting 'city' in place of town, wherever it may occur.

Which was not agreed to; and

The bill passed to a third reading.

Mr. Everts presented the memorial of sundry citizens of the counties of Laporte and Porter, asking the legislature to memorialize Congress, in order to procure the passage of a pre-emption law; which was,

On motion of Mr. Everts, referred to a select committee.

*Ordered,* That Messrs. Everts, Liston, Colerick, Crawford, Ewing, Thompson of L., Hillis and Milroy be the said committee.

Mr. Vawter, from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report that they have compared the enrolled joint resolution entitled,

A joint resolution on the subject of the northern canal, with the engrossed;

And find the same truly enrolled.

Mr. Colerick presented the petition of sundry citizens of Wells county, praying for the location of a state road leading from Cambridge by way of New Lisbon to Fort Wayne; which was,

On motion of Mr. Colerick, referred to the committee on canals and internal improvements.

Mr. Vawter from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report, that they did on this day present to His Excellency the Governor, for his approval and signature, the following bills entitled acts:

No. 21—An act to authorize the election of an additional justice of the peace in Franklin township in Owen county, and in the township of Vienna in Scott county; and also an act,

No. 84, entitled an act to organize the county of DeKalb, and to locate the seat of justice thereof; also a joint resolution,

No. 274, entitled a joint resolution in relation to a law therein named.

Mr. Everts presented the petition of sundry citizens of Laporte county, praying for a re-location of a part of the Lakeport and Chicago state road;

Which was read and referred to a select committee of Messrs. Everts, Milroy, Ewing and Liston.

Mr. Everts presented the petition of J. B. Chapman and others, directors of the Turkey Plain manufacturing company, praying the legislature to pass an amendatory act correcting certain misprints in the charter of said company; and also to authorize them to construct a mill race from Turkey creek to the town of Liverpool.

Mr. Thompson of Lawrence, from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the petition of J. H. Campbell and other citizens of Orange county, praying for a repeal of that part of an act to amend the several acts regulating the jurisdiction and duties of justices of the peace, in the several counties therein named, approved February 7, 1835, as relates to the said county of Orange, have directed me to report the following bill:

The bill was read a first time and passed to a second reading.

Mr. Thompson of L. from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the petition of Seth Cushman, former collector of Sullivan county, praying for certain relief therein named, have, after consideration directed me to report the following bill:

The bill was read a first time and passed to a second reading.

Mr. Thompson of L. from the judiciary committee made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate, instructing an inquiry into the expediency of repealing the law requiring defendants in writs of *ad respondendum*, in actions of debt, assumpsit, and covenant founded on a writing obligatory, to give special or appearance bail, unless upon affidavit, as now required in other actions, have, after consideration, directed me to report to the Senate, that legislation thereon, at this time, is inexpedient, and ask to be discharged from the further consideration thereof.

Ordered, That the committee be discharged.

Mr. Thompson of L. from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate, instructing an inquiry into the expediency of repealing the 35th section of an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, have, after consideration, directed me to report that legislation on that subject, at this time, is inexpedient, and ask to be discharged from the further consideration thereof.

Ordered, That the committee be discharged.

Mr. Thompson of L. from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the resolution of the Senate, instructing an inquiry into the expediency of so amending the act entitled an act to regulate descents, distribution and dower, approved Jan. 29, 1831, as to prohibit the widows of assignors of land

office certificates, and title bonds for the conveyance of real estate, from claiming dower in the same—and whether the wife shall have dower to any other land held by an equitable title, than that which the husband owned at the time of his death, have directed me to report that it is inexpedient to legislate on that subject, at this time, and ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Thompson of L. from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 143, entitled "a bill to prevent disasters on steam boats," have instructed me to report the same back to the Senate, and recommend the following amendments thereto:

1st. Strike out, in the 2d line of the 2d section the words "of this state," and insert in lieu thereof the words "of the Wabash and Ohio rivers."

2d. Strike out, in the 2d line of the 10th section the words "of this state," and insert in lieu thereof the words "of the Wabash and Ohio rivers."

The amendments were concurred in; and

On motion of Mr. Collins, considered as engrossed, the bill read a third time and passed.

Mr. Thompson of Lawrence from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the petition of J. H. Campbell and other citizens of Orange county, praying for the formation of probate circuit courts, and the transferring the probate business thereto, have, after consideration, directed me, in consequence of the advanced period of the session, to report to the Senate the following resolution and recommend its adoption:

*Resolved*, That a select committee of three be appointed to digest a system of doing probate business, by the establishment of probate circuit courts, and report the same to the Senate at the next session of the General Assembly.

On motion of Mr. Kennedy, the report and resolution were laid on the table.

Mr. Boon from the committee on claims, made the following report:

Mr. PRESIDENT—

The committee on claims, to whom was referred the petition of F. W. Emmons, have had the same under their consideration, and have in-



structed me to report, that it is their opinion, that the prayer of the petitioner ought not to be granted, and ask to be discharged from the further consideration thereof.

*Ordered,* That the committee be discharged.

Mr. Boon from the committee on claims, made the following report:

MR. PRESIDENT—

The committee on claims to whom was referred the petition of John Stewart and others, citizens of Monroe county, praying an act to be past to pay Jesse Wright ten dollars that was by him paid to Lewis Connal for his services and two horses in bringing Nathan Baker, a fugitive from justice from the state of Kentucky, for the murder of Moses Hix, of Monroe county, have had the same under their consideration, and have instructed me to report the following resolution:

*Resolved,* That the committee on ways and means be instructed to allow Jesse Wright ten dollars in the specific appropriation bill, for money by him paid as set forth in the above report:

The report was concurred in and the resolution adopted.

Mr. Thompson of Perry from the committee on corporations made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a bill to incorporate the Eel river steam mill company, has had the same under consideration and have instructed me to report the same with several amendments and ask the concurrence of the Senate thereto.

In 9th section strike out fifth line after stock holders—11th section, 16th line, strike out "display" and insert "exhibit."

In 15th section, 14th line, strike out all after stockholders.

In 5th section, 10th line, strike out "seven" and insert "nine."

The amendments were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Thompson of Perry, from the committee on corporations made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a bill of the Senate to incorporate the Eel river Manufacturing company have examined it and made several amendments, to which the concurrence of the Senate is asked.

7th line after "cotton" insert "hemp;"

At the end of the 1st section insert "not exceeding 150,000;"

Section 13th, after 2d line insert "provided the navigation of the river is not obstructed thereby and the bridge may at any time hereafter be torn down to improve the navigation;

14th section, 4th line after the word "corporation" strike out to the

amount of stock subscribed, and insert "during the time he was or is a stockholder;"

Strike out two last lines of 4th section;

At the end of 15th section add "this act of incorporation shall be in force fifty years and no longer."

The amendments were concurred in, and the bill read a third time and passed.

Mr. Thompson of P., from the committee on corporations made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a bill of the House of Representatives, entitled a Bill to incorporate the Williamsport Warren county Bridge Company, have had the same under consideration, and have made several amendments thereto, have instructed me to report the same and ask the concurrence of the Senate.

The amendments were concurred in, and the bill read a third time and passed.

Mr. Dumont moved the following resolution, which was adopted:

*Resolved*, That the judiciary committee be instructed to inquire what amendments, if any, are required in the poor laws, with leave to report by bill or otherwise.

Mr. Milroy introduced a joint resolution and memorial, entitled "a joint resolution and memorial on the subject of taxing lands after their sale by the United States;"

Which was read a first time, and

On motion of Mr. Claypool, the rules were dispensed with, and the bill read a second time.

Mr. Crawford proposed to amend as follows, to-wit:

That the five per cent of the nett proceeds of lands lying within the said state of Indiana, and which shall be sold by Congress from and after the first day of March next, after deducting all expenses incidental to the same, shall be reserved for making roads and canals, three-fifths of which shall be applied to those objects within the said counties in which said lands were sold, for the benefit of said counties,

Which was not agreed to.

Mr. Ewing proposed to amend as follows:

"And provided that all lands within the state of Indiana belonging to the United States, shall also be subject to taxation;"

Which was not agreed to.

Mr. Crawford proposed to amend as follows, to-wit:

"And that Congress donate all the unsold lands within the limits of this state for the use of the same, deducting the first cost of the said lands and the surveying of the same;"

Mr. Mitchell moved to amend Mr. Crawford's proposed amendment so that five per cent. of the nett proceeds should be donated to the use of common schools instead of the state,

Which amendment was accepted by the mover, and thus amended the amendment was not agreed to;

Mr. Ewing proposed to amend as follows:

"Provided that the provisions of the said act shall only extend to lands that may hereafter be sold by the General Government within the state of Indiana;"

Mr. Walker proposed to amend Mr. Ewing's amendment as follows, to-wit:

"And that the lands thought to be owned by persons termed large land holders, especially in the north, be divided equally among the good people of this state, the former owners continuing to pay the taxes;"

Which amendment to the amendment was not agreed to,

And the amendment was not agreed to.

Mr. Crawford proposed to amend as follows, to-wit:

"That five per cent. be allowed out of the nett proceeds of the sale of public lands within the limits of this state, to the counties in which the public lands may lie, for the purpose of making public roads and canals;"

Mr. Morgan moved to amend the proposed amendment by allowing 12½ per cent. instead of 5 per cent., out of the nett proceeds of the public lands,

Which was not agreed to, and the amendment itself not adopted.

Mr. Ewing moved that the joint resolution be indefinitely postponed,

And on the question, shall it be postponed?

*Those who voted in the affirmative are,*

Messrs. Bell, Brady, Cole, Colerick, Collins, Conwell, Dobson, Dumont, Everts, Ewing, Fowler, Hoagland, Kennedy, Liston, Little, Plummer, Sigler, Smith, Stanford, Turman, Thompson of P., Trask Vawter and Walker—23.

*Those who voted in the negative are,*

Messrs. Beard, Boon, Bradberry, Casey, Chambers, Clark, Claypool, Daily, Dunning, Elliott, Hackett, Hamilton, Hillis, Milroy, Mitchell, Moore, Morgan, Puett, Stafford, Thompson of L.,—22.

So said resolution was indefinitely postponed.

On motion, the Senate adjourned.

SATURDAY, JANUARY 14, 1837.

The Senate assembled.

The following message was received from the Governor, by Mr. Maguire, his private Secretary:

Mr. PRESIDENT—

The Governor has approved and signed an act which originated in the Senate, entitled

An act to incorporate the trustees of the Asbury University.

He has also approved and signed

An act to incorporate the Peru Collegiate Institute;

A joint resolution on the subject of the purchase of the Louisville and Portland canal stock; and

A memorial and joint resolution of the State of Indiana, asking an appropriation for the public works at Michigan City, Indiana, which originated in the House of Representatives.

Mr. Vawter from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report, that they have compared an enrolled bill,

No. 3, which originated in the Senate, entitled an act to amend an act to authorize certain persons therein named, to erect a dam across the St. Joseph river, approved Feb. 6, 1836, with the engrossed bill, and find the same truly enrolled.

On motion of Mr. Dumont, leave of absence was granted to Mr. Stafford.

On motion of Mr. Liston, leave of absence was granted to Mr. Bell.

On motion of Mr. Brady, leave of absence was granted to the door-keeper, Mr. Morse.

Mr. Everts introduced a petition to change a state road in the county of Laporte;

Which was referred to a select committee composed of Messrs. Everts, Liston, Milroy and Thompson of P.

On motion of Mr. Conwell, Mr. Morgan was added to the select committee on roads.

Mr. Claypool introduced the petition of sundry citizens of Fayette county, asking the legislature to appropriate a part of the 3 per cent. fund to aid them in building a bridge over White Water river near Connerville;

Which was read and referred to the committee on roads.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has passed an engrossed joint resolution of the Senate, entitled as follows:

No. 18—A joint memorial of the General Assembly of the State of Indiana, on the subject of the Cumberland road, without amendment.

The Speaker of the House of Representatives having signed enrolled bills of the Senate, entitled as follows to-wit:

No. 3—An act to amend an act to authorize certain persons therein named to erect a dam across the St. Joseph river, approved February 6, 1836;

No. A joint resolution on the subject of the northern canal;

I am directed to bring them to the Senate for the signature of the President thereof.

The President having signed the engrossed bill and joint resolutions in the message mentioned, they were handed to the committee on enrolled bills to be handed to the Governor for his approval and signature.

Mr. Thompson of P. presented the petition of sundry citizens of Crawford county, praying for a state road from Fredonia to Col. Pullett's mill, thence to intersect the Rome road at or near where it crosses Mill creek; also,

A petition of sundry citizens of Crawford county, praying for the location and construction, or if that is impracticable, the survey of a turnpike road from Fredonia to intersect the canal at or near the mouth of Eel river; both of which were,

On motion of Mr. Thompson of P., referred to a select committee.

*Ordered*, That Messrs. Thompson of P., Stewart and Casey be the said committee.

The President laid before the Senate the following communication from the Governor:

EXECUTIVE DEPARTMENT, }  
Indianapolis, 14th Jan., 1837. }

*To the President of the Senate:*

SIR—Soon after the close of the last session of the legislature, the Hon. Stephen C. Stevens resigned his seat upon the supreme bench, and the vacancy was filled by the appointment of Charles Dewey, Esq., whose name is now submitted for the confirmation of the Senate, for the same office.

Respectfully,  
N. NOBLE.

Mr. Thompson of L., offered for adoption the following resolution:  
*Resolved*, That the Senate do advise and consent to the nomination of the Hon. Charles Dewey, as Supreme Judge of the State of India-

na, to fill the vacancy occasioned by the resignation of the Hon. Stephen C. Stevens.

And on the question, shall it be adopted?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Kennedy, Liston, Milroy, Mitchell, Moore, Morgan, Plummer, Puett, Sigler, Smith, Stanford, Stewart, Turman Thompson of P., Thompson of L., Trask, Vawter and Walker—43.

And so the resolution was adopted and the nomination confirmed.

*Ordered,* That the Secretary inform the Governor of the action of the Senate upon his said nomination.

Mr. Hillis made the following report:

Mr. PRESIDENT—

The committee of ways and means to which was referred a resolution of the Senate instructing them to inquire into the expediency of raising the mileage of collectors of the state revenue, have had that subject under their consideration, and have directed me to report that it would be inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

*Ordered,* That the committee be discharged.

Mr. Puett, from the committee of ways and means, made the following report:

Mr. PRESIDENT—

The committee of ways and means to whom was referred a resolution inquiring into the expediency of so amending the revenue law, as to transfer the collection of all moneys hereafter levied by the proper authority for road purposes, to the Supervisors of each road district, within the several counties in this state; also to inquire into the expediency of allowing all persons charged with said tax, the right either to discharge the same in labor or money, at the option of persons owing the same, and that they be allowed 75 cents per day, have had the same under consideration and have directed me to report a bill herewith.

The bill in the report mentioned, was read a first time and passed to a second reading.

Mr. Clark from the committee on canals and internal improvements made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill No. 64, from the House of Representatives,

entitled a bill for the relief of J. B. Richardville and F. Godfroy, have considered the provisions of said bill which they instructed me to report to the Senate without amendment.

The bill in the report mentioned, was read a third time and passed.

Mr. Ewing presented four several petitions, asking relief for the contractors on the Wabash and Erie Canal north of the Wabash river;

Which was on motion of Mr. Ewing, referred to a select committee.

*Ordered*, That Messrs. Ewing, Trask, Milroy, Colerick, and Morgan, be the said committee.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Vandever, a member:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that they have passed an engrossed bill of the House, No. 133, to appropriate a part of the 3 per cent. fund in the county of Orange,

In which bill of the House the concurrence of the Senate is requested.

The bill in the message mentioned was read a first time, and

On motion of Mr. Chambers, the rules of the Senate were dispensed with, the bill read a second and third times and passed.

On motion of Mr. Milroy,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency, and also the right of the state to extend the laws of the state over such Indians as reside in the State, with leave to report by bill or otherwise.

Mr. Thompson of L. gave notice that on Monday next, he should move to amend the 54th rule of the Senate so as to provide that the Senate should proceed with the orders of the day on each day at 2 o'clock P. M., during the remainder of the present session, unless by the ordinary progress of business, they should be sooner reached.

Mr. Daily introduced a joint resolution entitled a joint resolution relative to the purchase of a fire engine for the protection of the public property located at the town of Jeffersonville; which was read a first time, and

On motion of Mr. Daily, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on the state prison.

Mr. Dumont introduced a joint resolution entitled, a joint resolution directing the binding and distribution of the acts of Congress now in the office of the Secretary of State;

Which was read a first time and passed to a second reading.

Mr. Crawford introduced a joint resolution entitled, a joint resolution relative to the continuation of the Buffalo and Mississippi rail road, which was read a first time, and on motion, the rules were dispensed with, the joint resolution read a second and third time and passed.

Mr. Morgan introduced a bill entitled, "an act to provide for a survey of a rail road from Rushville to the Whitewater canal, which was read a first time, and

On motion of Mr. Morgan, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Smith, referred to the committee on canals and internal improvements.

Mr. Thompson of P., Introduced a bill entitled, an act to amend an act for assessing and collecting the revenue, approved, Feb. 10, 1831.

Which was read a first time, and

On motion of Mr. Thompson of P., the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Boon moved to strike out all that part of the bill which relates to the appointment of two collectors;

Which was agreed to.

Mr. Morgan moved to amend by striking out all that part exempting the sheriff from collecting the taxes;

Which was agreed to, and

On motion of Mr. Thompson of P., the bill was indefinitely postponed.

Mr. Casey introduced a bill entitled, an act to incorporate the Mount Vernon Insurance company; which was read a first time, and

On motion of Mr. Casey, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on Corporations.

Mr. Milroy introduced a bill entitled, an act to incorporate the Indianapolis and Michigan city rail road company; which was read a first time, and

On motion, the rules were dispensed with, the bill read a second time, and referred to the committee on corporations.

Mr. Everts introduced a bill entitled, an act to incorporate the town of Laporte; which was read a first time, and on motion, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on corporations.

Mr. Daily introduced a bill entitled, an act supplemental to an act entitled, an act to amend an act entitled an act establishing a state bank, approved January 1836, providing for a branch of the State Bank east of Lafayette and west of the Fort Wayne branch, approved February 8, 1836; which was read a first time, and

On motion of Mr. Daily, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on State Bank.



On motion of Mr. Morgan, the bill entitled an act to provide for an additional branch on the State Bank, was read a second time and referred to the committee on the State Bank, the previous orders of the day having been dispensed with.

Mr. Dumont introduced a bill entitled, an act to amend an act organizing probate courts and defining the powers and duties of executors, administrators and guardians; which was read a first time, and

On motion, the rules of the Senate were dispensed with, the bill read a second time and referred to the judiciary committee.

On motion of Mr. Morgan, the previous orders of the day were suspended, and the joint resolution entitled, a joint resolution on the subject of the public lands suspended from sale on the line of the Wabash and Erie Canal, in the State of Indiana, was taken up, read a second time, and

On motion of Mr. Clark, the rules of the Senate were dispensed with, the resolution read a third time and passed.

On motion of Mr. Stanford, the orders of the day were further suspended, and the bill entitled an act to change the name of Jamestown in Henry county, to that of New Lisbon, was taken up, read a second time, and

On motion of Mr. Stanford, the rules of the Senate were dispensed with, the bill read a third time and passed, and

On motion,

The Senate adjourned.

MONDAY, JANUARY 16, 1837.

The Senate assembled.

Mr. Dunning introduced a petition of sundry citizens of Monroe county, praying an appropriation of part of the 3 per cent. fund due Monroe county, to clear obstructions out of Bean Blossom creek, between the mouth of the said creek and the state road bridge;

Which was,

On motion of Mr. Dunning, laid on the table.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills and joint resolutions of the Senate, entitled as follows, to-wit:

No. 8—An act to legalize the election of probate judges in Fulton county;

No. 25—An act to organize the county of Steuben;

No. 26—An act to organize Lake county;

No. 15—An act to legalize the election and acts of H. P. DeBruler as probate judge in the county of Pike; and

No. 20—A joint resolution relative to the appointment of a commissioner to adjust the boundary line between the States of Ohio and Indiana; the latter with amendments;

In which they ask the concurrence of the Senate.

The House of Representatives have concurred in the first amendment, and refused to concur in the second amendment of the Senate, to the engrossed bill of the House of Representatives, entitled,

No. 99—An act to incorporate the Williamsport Warren county bridge company;

The House of Representatives have also passed engrossed bills and joint resolutions of the House of Representatives, entitled as follows:

No. 4—An act repealing certain acts regulating the mode of doing county business in the county of Greene;

No. 11—An act changing the time of holding elections for township officers in the county of Warrick;

No. 60—An act to change the mode of doing county business in the county of Gibson.

No. 80—An act to change the mode of doing county business in the county of Huntington;

No. 116—An act to regulate the jurisdiction of justices of the peace in the counties of Tippecanoe, Orange and Warren;

No. 117—An act to amend the charter of the Vevay Seminary;

No. 120—An act to encourage the apprehension of horse thieves and other fugitives from justice in Washington county;

No. 124—An act to legalize the election of a probate judge in Kosciusko county;

No. 127—An act to revive and continue in force an act to incorporate the town of Rome in Perry county, approved Feb. 1, 1836.

No. 129—An act to authorize Daniel A. Rawlins to sell certain real estate therein named;

No. 132—A joint resolution on the subject of the 3 per cent fund;

No. 138—An act supplemental to an act to enable the school commissioners of the several counties of this state to correct the returns of the collectors, approved Feb. 1, 1836;

No. 142—An act to provide for the election of a justice of the peace in New Amsterdam; and

No. 144—An act to incorporate the Brookville savings institution;

In which engrossed bills and joint resolutions of the House, the concurrence of the Senate is respectfully requested.

The amendments to the joint resolution No. 20, in the message mentioned, were concurred in.

On motion of Mr. Smith, the amendments of the Senate to the bill No. 99, entitled an act to incorporate the Williamsport bridge company, were insisted on by the Senate,

The bill No. 4, entitled an act repealing certain acts regulating the mode of doing county business in the county of Greene, was read a first time; and

On motion of Mr. Dobson, the rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Boon, the rules of the Senate were dispensed with, the bill read a third time and passed.

The bill No. 11, in the message mentioned, entitled an act changing the time of holding elections for township officers in the county of Warrick, was read a first time; and

On motion of Mr. Casey, the rules of the Senate were dispensed with, the bill was read a 2d and third times and passed.

The bill No. 142, in the message mentioned, entitled an act to provide for the election of a justice of the peace in New Amsterdam, was read a first time; and

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Collins, the bill was amended so as to authorize the election of a justice of the peace in Georgetown in Floyd county.

On motion of Mr. Collins, the amendment was considered as engrossed, the bill read a third time and passed.

The bill No. 60, in the message mentioned, entitled an act to change the mode of doing county business in the county of Gibson, was read a first time; and

On motion of Mr. Stewart, read a second time and referred to the judiciary committee.

The bill No. 80, in the message mentioned, entitled an act to change the mode of doing county business in the county of Huntington, was read a first time and passed to a second reading.

The bill No. 116, in the message mentioned, entitled an act to regulate the jurisdiction of justices of the peace in the counties of Tippecanoe, Orange and Warren, was read a first time; and

On motion of Mr. Clark,

The rules of the Senate were dispensed with, the bill read a second time and referred to a select committee.

*Ordered*, That Messrs. Clark, Chambers and Turman be the said committee.

The bill No. 117, in the message mentioned, entitled an act to amend the charter of the Vevay seminary, was read a first time; and

On motion of Mr. Dumont, read a second time and referred to a select committee.

*Ordered*, That Messrs. Dumont, Smith and Plummer be the said committee.

The bill No. 120, in the message mentioned, entitled an act to encourage the apprehension of horse thieves and other fugitives from justice in Washington county, was read a first time; and

On motion of Mr. Hackett,

The rules of the Senate were dispensed with, the bill read a second time and referred to a select committee.

On motion of Mr. Conwell, the select committee were instructed to inquire into the expediency of making the provisions of the bill a general law.

*Ordered*, That Messrs. Hackett, Collins and Hoagland be the said committee.

The bill No. 121, in the message mentioned, entitled an act to legalize the election of a probate judge in Kosciusko county, was read a first time; and

On motion,

The rules of the Senate were dispensed with, the bill read a second time and referred to the judiciary committee.

The bill No. 129, in the message mentioned, entitled an act to authorize Daniel A. Rawlins to sell certain real estate therein named, was read a first time; and

On motion of Mr. Dunning,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Thompson of P., referred to the judiciary committee.

The bill No. 127, in the message mentioned, entitled an act to revive and continue in force an act to incorporate the town of Rome in Perry county, was read a first time; and

On motion of Mr. Thompson of P., the rules of the Senate were dispensed with, the bill read a second and third times and passed.

The joint resolution No. 132, in the message mentioned, entitled a joint resolution on the subject of the 3 per cent fund, was read a first time; and

On motion of Mr. Claypool, the rules of the Senate were dispensed with, the bill read a second and third times and passed.

The bill No. 138, entitled an act supplemental to an act to enable the school commissioners of the several counties of this state to correct the returns of the collectors, approved Feb. 1, 1836, was read a first time; and

On motion of Mr. Claypool,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Vawter, referred to the committee on corporations.

The bill No. 144, in the message mentioned, entitled an act to incorporate the Brookville savings institution, was read a first time; and

On motion of Mr. Vawter,

The rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

Mr. Vawter, from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report, that they did on this day present to His Excellency the Governor, for his approval and signature, the following bill and joint resolution, which originated in the Senate, viz:

No. 3—entitled an act to amend an act to authorize certain persons therein named to erect a dam across the St. Joseph river, approved February 6, 1836; also,

A joint resolution on the subject of the northern canal.

Mr. Vawter, from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report that they have compared the enrolled joint memorial, No. 18, with the engrossed, which originated in the Senate, entitled

A joint memorial of the General Assembly of the State of Indiana, on the subject of the Cumberland road;

And find the same truly enrolled.

The President laid before the Senate the following communication from the Treasurer of State; which was,

On motion of Mr. Brady, laid on to table.

TREASURER'S OFFICE,  
Indianapolis, Jan. 16, 1837. }

HON. DAVID WALLACE,

*President of the Senate:*

SIR—I deem it proper to communicate to the Senate, that there has been received at this office, from the Treasury Department of the United States, transfer drafts on the Branches of the State Bank of Indiana, at New Albany, Madison and Lawrenceburgh, in equal proportions amounting altogether, to two hundred and eighty-six thousand seven hundred and fifty-one dollars and forty-eight cents, being the first instalment, or one-fourth part of the ratable proportion of the State of Indiana in the surplus revenue of the United States. It is indicated that the balance will be deposited with the state in Like manner, at quarterly periods, counting from the 1st of the present month.

Respectfully,

N. B. PALMER, *Treasurer of State.*

The President laid before the Senate the following communication from the Treasurer of State; which was,

On motion of Mr. Hillis, referred to a select committee.

Ordered, That Messrs. Thompson of P., Smith and Vawter be the said committee.

HON. DAVID WALLACE,

*President of the Senate:*

SIR—By a resolution of the Senate of the 12th inst., the Treasurer of State is requested to lay before the Senate, a succinct and detailed statement of the amount of moneys paid out of the contingent fund for postage during the past year.

As my annual report contained the aggregate amount paid for postage at the close of each quarter of the past year, the undersigned has supposed the object of the resolution was to obtain a more detailed statement.

The following is a transcript of the accounts on file in this office, as paid out of the contingent fund, for postage for one year ending on the 31st Dec., 1836, and will I presume, contain all the information sought by the resolution.

These postage accounts are kept by the post master, against the proper officer, and made out at the close of each quarter, certified to be correct by each officer, and then paid out of the contingent fund by order of the Governor.

Respectfully submitted,

N. B. PALMER, *Treasurer of State.*

Treasurer's Office, }

Indianapolis, Jan. 15, 1837. }

The following are copies of the quarterly accounts for postage, charged to the executive officers, for the year ending 31st Dec., 1836; the amounts of which were paid out of the contingent fund by order of the Governor, to-wit:

1st. For quarter ending 30th April, 1836:

N. Noble, Governor,		
To letter postage,	- - -	\$22 02½
Private postage included on letters.	N. N.	

Wm. Sheets, Secretary of State,		
To letter postage,	- - -	\$40 35
By cash for private postage,	- - -	1 00
		<hr/>
		39 35

I believe the account to be correct. WM. SHEETS.

Morris Morris, Auditor of Public Accounts,		
To letter postage,	- - -	\$24 53½

I believe the above account to be just. M. MORRIS.

N. B. Palmer, Treasurer of State,		
To letter postage,	- - -	\$8 06
Deduct private postage,	- - -	1 50
		<hr/>
		6 56

The above is correct I believe. N. B. PALMER.

D. Maguire Adjutant General,		
To letter postage,	- - -	\$0 60

I believe the above correct. D. MAGUIRE.

2d. For quarter ending 30th June 1836:

N. Noble, Governor,			
To letter postage,	-	-	\$33 21
Wm. Sheets, Secretary of State,			
To letter postage,	-	-	\$30 94
By cash for private postage,	-	-	1 00

I presume the above account is correct. WM. SHEETS.

Morris Morris, Auditor Public Accounts,			
To letter postage	-	-	\$21 43

M. MORRIS.

N. B. Palmer, Treasurer of State,			
To letter postage,	-	-	\$10 53
I believe my private postage this year is			1 00
			<hr/>
			9 64

This is correct I have do doubt. N. B. PALMER.

D. Maguire, Adjutant General,			
To letter postage,	-	-	\$2 57

3d. For quarter ending 30th September, 1836:

N. Noble, Governor,			
To letter postage,	-	-	\$22 02
Private postage	-	-	7 00
			<hr/>
			15 02

Wm. Sheets, Secretary of State,			
To letter postage,	-	-	\$35 97
Deduct for private postage,	-	-	1 00
			<hr/>
			34 97

I presume this account to be correct.  
M. M.

WM. SHEETS.

Morris Morris, Auditor Public Accounts,			
To letter postage,	-	-	\$22 38

I believe this account to be correct. M. MORRIS.

N. B. Palmer, Treasurer of State,			
To letter postage,	-	-	\$9 18
Deduct private postage,	-	-	1 50
			<hr/>
			7 68

I believe this account correct.

N. B. PALMER.

D. Maguire, Adjutant General,			
To letter postage,	-	-	\$0 42

I believe the above to be correct. D. MAGUIRE.

4th. For quarter ending 31st December, 1836:

N. Noble, Governor,

To letter postage, - - - \$24 31½

Private postage not yet deducted, left for next year.

Wm. Sheets. Secretary of State,

To letter postage, - - - \$30 04½

Private postage settled separate.

This account I believe to be correct.

WM. SHEETS.

Morris Morris, Auditor Public Accounts,

To letter postage, - - - \$23 94

The above is just.

M. MORRIS.

N. B. Palmer, Treasurer of State,

To letter postage. - - - \$11 65

Deduct private postage, - - - 1 50

10 15

This I believe correct.

N. B. PALMER.

D. Maguire, Adjutant General,

To letter postage, - - - \$0 70

I believe this account to be correct.

D. MAGUIRE.

Mr. Clark introduced a petition signed by sundry individuals, praying for an act of incorporation to be passed for a company to erect a bridge across the Wabash river at Lafayette, which was,

On motion of same gentleman, referred to the committee on corporations.

Mr. Moore introduced the petition of sundry citizens of Daviess county, praying for a state road from Arnold's Ferry, in said county, by way of Veal's mill to Maysville, which was,

On motion of Mr. Moore, referred to a select committee;

Ordered, That Messrs. Moore, Stewart, Dunning and Boon be the said committee.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred a bill of the House of Representatives to incorporate the Fort Wayne and Maumee Bridge Company, have carefully examined the same, and have instructed me to make one amendment and ask the concurrence of the Senate;

The amendment was concurred in, and

On motion of Mr. Hillis, the vote of concurrence was reconsidered and not concurred in the second time;

On motion, the bill was read a third time and passed.

Mr. Thompson of P., made the following report:



Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives, entitled a bill to incorporate the New Amsterdam Manufacturing company, have duly examined the same, and have made several amendments, and instructed me to report it back, and ask the concurrence of the Senate in the amendments.

The amendments were concurred in, and

On motion of Mr. Thompson of P., the amendments were considered as engrossed, the bill read a third time and passed.

Mr. Colerick made the following report:

Mr. PRESIDENT—

The select committee to which was referred the the petition of L. P. Ferry and others, therein praying for the passage of a law ratifying and confirming an act of the Ohio legislature passed in the month of March, 1836, entitled "an act to incorporate the Fort Wayne and Piqua Rail Road Company," have had the same under consideration, and directed me to report the following bill:

The bill in the report mentioned was read a first time, and,

On motion of Mr. Hillis, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

Mr. Thompson of L. made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition of David Page and others citizens of the state of Indiana, praying certain relief therein set forth, in relation to pre-emption and pre-emption floats, have instructed me to report the following preamble and joint resolution:

The joint resolution in the report mentioned was read a first time, and,

On motion of Mr. Hillis, the rules were dispensed with, the joint resolution read a second time, and,

On motion of Mr. Dunning laid on the table.

Mr. Thompson of L., from the committee to whom was referred that part of the Governor's message on the subject of a monument on the Battle-field of Tippecanoe, made the following report:

Mr. PRESIDENT—

The committee conceive that there is no subject, withing the range of human reflection, better calculated to enlist the feelings of the devoted patriot, than the perpetuation of the memory of the illustrious dead. In all past time, and amongst every people, where the fires of

civilization and intelligence have been lighted, it has been the theme upon which orators, philosophers and poets have dwelt. It is marked upon every page of the history of the world. The uninformed and unlettered savage is not insensible to its thrilling and animating influence. His humble mound erected upon the skirt of some flower-decked prairie, tells, as truly, where the spirit of his warrior-father reposes, as do the tombs of Westminster the resting place of England's chivalry. It excites a proud reflection in the contemplative mind, and among those states of antiquity, whose institutions hold the proudest rank in the page of history, was cultivated in all the stations of society, to arouse a worthy and undying emulation.

The reward of virtuous action, in the walks of private life, is left to the principles of benevolence which animate and sustain society: in the public councils, to a lofty spirit of generous devotion, which paralyzes every effort to resist and control their influence. Evidences of approbation are as various as the spheres into which the objects thereof are thrown. To commemorate distinguished events and secure unerasd from the memory of man, the deeds of the warrior and statesman, processions, festivals and other ceremonies have been decreed; but how faint is the impression thus created, compared with the substantial and enduring monument!

In the proud days of the republics of Greece and Rome, when men were distinguished by a signal devotion to country, they were encouraged by the most public commemoration of events important and interesting in their history. Thus was fostered a virtuous patriotism and a spirit of devotedness to the institutions of freedom. Individuals sought to render themselves worthy of the meed of praise—the applause of their country and of a place in the memory of after generations by sternness of virtue and unbending heroism. Wealth, the chief object of modern ambition, gave no claim to honor—no title to distinction. Cincinnatus was invested with the loftiest station which the proudest nation of the universe could bestow, while his hands were blistered with the handle of the plough.

Our own early history too, (as well of Indiana, as of our Federal Union) furnishes many instances of Roman valor and of Grecian heroism. The field of Tippecanoe, like the pass of Thermopylæ, will find a lasting dwelling-place in the affections of millions, whose duty it shall be, hereafter, to protect the memory of those heroes whose bones so long bleached upon its surface. It is the first field of our glory. There the first-born sons of Indiana—the sons of toil, of industry, and of poverty, displayed a valor and devotion to their country, emulating and equalling the noblest actions in all past time. There the uneducated mechanic and the toiling husbandman, without the hope of reward, willingly poured out their blood to assist in rolling back the tide of savage cruelty which had threatened to engulf them in a sea of death. And will their countrymen—those whose fire-sides they have made secure—those from whose fields they have driven the yelling savage, and whose institutions they have reared, pay no tribute to their memory? Shall alone the tear of the passing traveller and the unavailing grief of

some fond relation, tell where the field of our glory is to be found? Shall "we raise not a stone" to mark where fell the lofty minded and intrepid Daviess, and where repose the earthly remains of White, Spencer, Warrick, and the other patriots whose hearts bled in the cause of their country's freedom? Shall "we carve not a line" to tell to after ages the cause in which they fought, and stimulate the millions who shall people this far-stretched and fertile west, when we and our children shall have passed away, to do as they have done—to risk their lives even at the cannon's mouth, when their country calls?

The committee think that the Legislature will not hesitate to erect a monument on that battle field, the memory of which must be cherished as long as freedom has a friend. Inasmuch as the State has sought a donation of the land, which has been liberally granted, the committee conceive that she has pledged herself to prosecute such steps as may be essential for the early erection of such a memento as is worthy of her character and the fame of the illustrious warriors who sleep upon her battle field. A refusal to do so would fix upon her a stigma, indelible and lasting—a stigma which would darken the escutcheon of her fame in all future ages. They have therefore directed me to report, to the Senate, the following joint resolution:

The joint resolution in the report mentioned, entitled a joint resolution in relation to the erection of a monument to the battle field of Tippecanoe, was read a first time, and

On motion of Mr. Clark, the rules of the Senate were dispensed with, the joint resolution read a second time and engrossed for a third reading.

Mr. Vawter, from the joint committee on enrolled bills, made the following report:

Mr. PRESIDENT

The joint committee on enrolled bills, report, that they have compared the following enrolled bills with the engrossed, which originated in the Senate, viz: No. 15, entitled, an act to legalize the election and acts of H. P. D. Bruler, as Probate Judge in the county of Pike, also bill No. 26, entitled an act to organize Lake county,

And find the same truly enrolled.

On motion of Mr. Bell,

*Resolved*, That the committee on canals and internal improvements be instructed to inquire into the expediency of connecting the White-water canal with the Central, by a McAdamized turnpike road—if not practicable, by a canal commencing on the West branch of the White-water river, at the crossing of the National road—thence to the main line of said Central canal in Madison or Delaware county; with leave to report by bill or otherwise.

On motion of Mr. Thompson of L.,

*Resolved*, That the Senate will, during the remainder of the present session, proceed to take up the orders of the day at 2 o'clock P. M. on each day, unless they should be sooner reached in the progress of business: *Provided*, that messages from the House of Representatives may be acted upon at any time, at the discretion of the President.

On motion, the Senate adjourned.

2 o'clock, P. M.

**The Senate assembled.**

On motion of Mr. Vawter, the Senate resumed in committee of the whole the consideration of the bill on the subject of the surplus revenue, Mr. Brady in the Chair.

After having transacted some business, on motion, the committee arose, and Mr. Brady made the following report:

**Mr. PRESIDENT—**

The committee of the whole to whom was referred the bill to provide for the loaning of so much of the surplus revenue of the U. States as this State may be entitled to and receive by virtue of an act of Congress, approved June 23d, 1836, have had the same under consideration, but not having time to go through with it, they have instructed me to report progress and ask leave to sit again.

*Ordered*, That the committee have leave, and

On motion the Senate adjourned.

**TUESDAY, JANUARY 17, 1837.**

**The Senate assembled.**

Mr. Vawter from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills report that they have compared the following enrolled bills that originated in the Senate, with the engrossed viz:

No. 8—A bill entitled an act to legalize the election of probate judge in Fulton county; also a bill,

No. 25, entitled an act to organize the county of Steuben, and find the same truly enrolled.

On motion of Mr. Hamilton,

*Resolved*, That 500 copies of the report of the Auditor of Public Accounts of December 22, 1836, be printed for the use of the Senate.

The following message was received from the House of Representatives by Mr. Wright a member:

**Mr. PRESIDENT—**

The House of Representatives have concurred in the 1st amendment of the Senate to the bill of the House of Representatives, No. 143, an act to prevent disasters on steam boats, and they have concurred.

red in the second amendment of the Senate, with an amendment in which they ask the concurrence of the Senate.

The amendment to the bill in the message mentioned, was concurred in by the Senate.

The following message was received from the Governor, by Mr. Maguire, his private Secretary:

MR. PRESIDENT—

The Governor has approved and signed the following acts and joint resolutions, viz:

An act to amend an act to authorize certain persons therein named to erect a dam across the St. Joseph river, approved February 6, 1836;

A joint resolution on the subject of the northern canal;

A joint resolution in relation to a law therein named;

An act to organize the county of DeKalb, and to locate the seat of justice thereof;

An act to authorize the election of an additional justice of the peace in Franklin township in Owen county, and in the township of Vienna in Scott county.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill and a joint resolution of the Senate, entitled as follows:

No. 79—An act authorizing the commissioner of the Michigan road to correspond with the commissioner of the General land office in order to have the title perfected to the state of Indiana, to the Michigan road grants, and for other purposes;

No. 81—A preamble, memorial and joint resolution in relation to the improvement of the southern coast of Lake Michigan, without amendment.

The House of Representatives has also passed engrossed bills of the House of Representatives of the following titles to-wit:

No. 147—A joint resolution directing the Secretary of State to furnish the county of Porter with ten copies of the revised laws; and

No. 149—An act to incorporate the town of Bloomfield;

In which the concurrence of the Senate is respectfully requested.

The joint resolution, No. 147, in the message mentioned, was read a first time, and

On motion, the rules of the Senate were dispensed with, the resolution read a second and third times and passed.

The bill, No. 149, in the message mentioned, entitled "An act to incorporate the town of Bloomfield," was read a first time, and

On motion of Mr. Dobson, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The speaker of the House of Representatives having signed enrolled bills of the Senate of the following titles, to-wit:

No. 8—An act to legalize the election of probate judge in Fulton county.

No. 25—An act to organize the county of Steuben;

No. 15—An act to legalize the election and acts of H. P. De Bruler as probate judge in the county of Pike;

No. 26—An act to organize Lake county; and

No. — A joint memorial of the General Assembly of the State of Indiana on the subject of the Cumberland road.

I am directed to bring them to the Senate for the signature of the president thereof.

The House of Representatives has passed engrossed bills of the House of Representative entitled as follows, to-wit:

No. 170—An act amendatory of an act entitled an act to provide for a general system of internal improvement, approved Jan. 27, 1836;

In which the concurrence of the Senate is respectfully requested.

The bill No. 170, entitled an act amendatory of an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836, was read a first time, and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on canals and internal improvement.

The bills and joint resolutions in the message mentioned as having been signed by the Speaker of the House of Representatives, having been signed by the President of the Senate, were handed to the committee on enrolled bills to be handed to the Governor for his approval and signature.

The President laid before the Senate the following report from the Board of Directors of the Lawrenceburgh and Indianapolis Rail Road, which was,

On motion of Mr. Plummer, laid on the table, and 500 copies ordered to be printed:

LAWRENCEBURGH & INDIANAPOLIS R. R. OFFICE,  
 Lawrenceburgh, January 11, 1837. }

HON. DAVID WALLACE,  
*President of the Senate:*

SIR—

Please present the enclosed to the Hon. body over which you preside, and oblige

Respectfully your ob't serv't,  
 GEO. H. DUNN,  
*Pres't L. & I. R. R. Co.*

*To the General Assembly of the State of Indiana:*

The Board of Directors of the Lawrenceburgh and Indianapolis Rail Road Company beg leave to present the annual statement required by them by their charter, and to accompany the same with a short detail of the company's operations the past year.

Immediately after the passage of the internal improvement law of last winter, the Board having accepted of the provisions therein contained, relating to this company, took active measures to procure a further subscription of stock and the payment of the same by mortgage under the provisions of that law. Convenient places along the line were designated, and public notice given of the time when the agents of the company would attend to this business, and the Board confidently expected to have put a respectable portion of work under contract sufficiently early to have had much of it executed the past season.

Duly appreciating the responsibility resting upon them, the Board felt it an imperative duty to make such regulations in regard to the payments to be made by mortgage, as should not only effectually secure the state, but also secure the company for its indorsement of the bonds and mortgages. In addition therefore to the penalty prescribed by the law of one per cent. per annum to induce the punctual payment of interest, and of five per cent. damages in case of foreclosure—the Board further required and retained a special lien upon all the stock thus paid for, to secure the punctual payment of both principal and interest, and to provide as far as in their power, for changes that might take place in the value of real estate, a condition was inserted in the bonds giving the state the power of requiring further security at any time, when a reduction in value of the state mortgage should take place. This latter provision was considered peculiarly burthensome by many persons, and no doubt deterred many from subscribing to stock, who, otherwise would have done so. But the Board persevered in insisting upon it; great care was also taken to have the appraisements fairly made, and whenever the Board had cause to suspect that property had been overrated, they uniformly reduced the valuations to what they deemed correct. This was done in many instances, and the Board venture to assert that no equal amount of money in the state has been better or more amply secured.

Much difficulty was found in obtaining the subscription desired—not

only were the precautions taken by the Board to ensure the interests of the state and company considered objectionable, but the conditions on which the state credit was given, were looked upon as exceedingly burthensome. The cost of the original work had been generally supposed to be too much for the country interested to provide for; and it was therefore that the state had been applied to for assistance, under the belief, that if the state credit was obtained for one-half the sum necessary, the citizens on the line would be encouraged to provide the balance. But when it was found that this grant of state credit for \$500,000 was only to be had by the company incurring an additional expenditure of between 2 and 300,000, it rather tended to increase rather than diminish the doubts that already existed. Many also doubted the propriety of risking their capital in a concern, to which another rival company had a right to attach itself and to become the owner of one-half of the road, fearing that their jarring interests might prevent that harmony of action so necessary to conduct business of that description.

The consequence was, that no aid whatever was obtained from the back country; and it was only as the books were closing, that few citizens of Lawrenceburgh stepped forward and took up the stock then amounting to \$500,000.

From what has been said it might be inferred as being the opinion of this Board that the branch road to Rushville is a useless work. But this is far from being the understanding. They believe that it is a valuable addition to the original work, and is one which the company would have desired to undertake as soon as they could see their way clear; they believe it will be as profitable as any other part of the line, especially when connected with the state works north of it as it undoubtedly will be. But coming as it did in a time when public confidence in the success of the main undertaking was by no means stable, it operated as the Board believed to their disadvantage. Neither do the Board imagine that the proposed junction of the Madison road as at all injurious to the interests of this company, if proper regulations are made for the government of the joint concern. But left as that matter was at loose ends, by the act of the legislature, there was perhaps some cause for men to hesitate before they involved themselves in the concern.

By reference to the charter it will be seen that the Board can only call in their stock by half yearly instalments, and although \$500,000 of stock was subscribed the Board had no power to compel its entire payment, either in money or by mortgage. Every inducement was held out to bring stockholders into the measure of mortgaging for the whole amount of stock at once. The Board at first proposing to pay the interest on all sums mortgaged over the instalments due and at last offering to loan back to stockholders 3-5ths of the amount secured, for one and two years.

The Board were induced to make these proffers under the belief that then was the most favorable time to obtain a sale of the state bonds, (which time has since confirmed), and also knowing that they



could not prudently expend the \$500,000 within less than the time proposed, viz: two years, and it is much to be regretted that success did not attend these efforts, as there is no doubt, if the state bonds had been obtained early last year, that a sale could have been effected at an advance instead of at a loss as has since been done, and would have made a difference to the company of 10 or \$15,000. As it was mortgaged only to the amount of \$102,150, were procured and the necessary arrangements for their transfer to the state, and the reception of state bonds were not completed until the month of August.

Finding that no greater amount of mortgages could then be had on the stock then subscribed for, the Board determined on a new effort, and accordingly ordered an increase of the capital stock of the company of \$500,000, which was shortly taken and payments thereon made by mortgage to the amount of \$119,030, which were ordered to be transferred to the state and bonds obtained therefor on the 17th day of September, 1836, thus making the whole amount of state bonds issued to the company \$221,180.

Before these were procured and could be sent to New York, times had so changed as to render it very difficult to cash them but at a sacrifice. The agents of the Board did eventually succeed late in October in disposing of \$100,000 of the state bonds at par at 6 months credit. But the residue were reserved and are yet undisposed of.

As soon as the season would admit, an efficient corps of engineers was organized and put upon the final location of the line up Tanner's creek. Twelve miles were located on grades and with curves more favorable than the experimental survey gave warrant to expect, and ten miles were prepared for contract, and advertised to be let on the 8th of August. The bids at this letting were found so high that they were mostly declined. But the larger portion were afterwards accepted at about 15 per cent. above the estimates.

As the company were not then in funds, they were compelled to suspend operations on these contracts until they sold the state bonds; since that time considerable work has been done upon them. The first mile which was let in July, 1834, has been still progressing, until recently, when the contractor took up his rails for the purpose of relaying them preparatory to putting iron upon them, which the company had agreed to furnish him and which is daily expected. About  $\frac{1}{2}$  of a mile of this section is completed. The existing contracts amount to \$65,343 and include all the heavy work on the first division of the road, consisting of the immense embankment at Lawrenceburgh and two bridges over Tanner's creek, those three jobs alone amounting to 2-3 of the whole sum. The other sections on the first ten miles are light and can be finished, if let the ensuing season, as soon as those now under way.

The amount of money expended by the company for all purposes, \$33,188 42, and the respective items are contained in the statement it is so and sworn to by the clerk of the company. By reference to and will be seen that all the preliminary expenses have been defrayed, and have the energies of the company free to be devoted almost ex-

clusively to actual construction. So far as work has been done, the Board have been careful to have it of the best description for permanent usefulness, and generally their wishes have been carried into effect.

The whole amount of stock paid in is as follows:

By mortgages	-	-	-	-	\$221,180 00
Cash	-	-	-	-	9,760 37

---

\$230,940 37

And although the amount falls short of the anticipations of the Board, as expressed in their memorial last winter, yet they still believe their views were correct, and that if the credit of the state had been extended to them without the restrictions named, that the whole amount of \$500,000 would have been secured. These things still bear heavy on the company and prevent the work obtaining that confidence and credit with the public as is necessary to call them generally to its aid.

That the work will in time be completed, the Board do not permit themselves to doubt. Their belief is founded upon the fact that it is the interest of the great and growing country through which it runs, that it should be made—none other of an inferior description will answer their purpose, and from the fact that the country is amply able to make it, even without assistance. The necessity for this work, and their ability to meet it must, in time, force itself upon the consideration of the people interested. They will not always stand idle and see the surrounding districts improving to their disadvantage. A slight consideration will be sufficient to convince your honorable body that these views are correct. It may be safely said that the country for ten miles on each side of this road is to be benefitted by its completion, but to reduce it one half and it will be 10 sections, or 40 quarter sections to each mile—and it will then only require about \$250 from the owner of each quarter section to make the whole road. Now is it possible that when these owners are convinced that an expenditure of \$50 a year for five years will make the road, and thereby that their property is at once to be enhanced in value two, three, or five times as much as the sum they advance, that they will any longer hesitate, especially when the state shall hold out a helping hand. This helping hand need only be, as we believe, put sufficient to establish public confidence in the undertaking. We think that what we asked for last winter would have had that effect but for the causes enumerated. And we believe now, if the state would subscribe a sum equal to the burthen she put upon the company last winter, that all difficulties would vanish, and the road be completed much sooner than it otherwise can.

It was generally believed that the assistance asked for last year, was exceedingly moderate, considering the great extent of tax-paying counties to be benefitted by the improvement; and the Board hope that will not be looked upon as too much now to solicit such further aid will place them in the situation they expected to have been granting of the favor asked for last year.

By the enhanced value of the landed estate of the large

ing on the route and the consequent increase of taxation, the state will be amply recompensed, without reference to other considerations. But when it is perceived what new creations of value are to take place; how great an amount of property now, valueless, may worse than that, an incumbrance to its owner, will then be brought into profitable use; no one can hesitate in believing that it will justify the advance of all that is asked for. Ripley county alone will in this respect be benefited to the extent of many times the cost of the road, in the market it will afford for her timber.

It must be borne in mind that the demand for the article of lumber is constantly increasing on the Ohio river, while the country upon which it has hitherto solely depended for a supply is yearly becoming less and less able to meet it. This road will be able to supply the demands of Cincinnati, Lawrenceburgh, and other places on the Ohio for many years to come from the forests of Ripley. The country on each side of the 20 miles of road through that county can supply at least 5 millions of dollars worth of that article—and the capital and wealth of the state will be increased in just that amount.

Much of the profit of the state canal terminating at Lawrenceburgh is to depend on the use of the immense water power located at that point. None can fail to perceive how much the value of this power, the eagerness with which it will be sought for, and its being made immediately productive, is to depend upon the construction of this road; by which the grain and other products of the back country is to be brought here to be manufactured and by which the various manufactures of iron, wood, cotton, wool, &c., &c., will find a ready outlet to the immense interior.

This road is such a leading one in the system of internal improvement provided for last winter, that the plan would be entirely incomplete without it. No one has such varied and important connections as it has. It unites the White Water canal with the other state works at the most favorable points, and when continued to Cincinnati as it will doubtless be, it will there connect with the leading improvements of Ohio—with Lake Erie through the Miami canal at one point, and thro' the little Miami rail road and the Mad river rail road at two others—and when that work is carried to Wheeling, which is anticipated, it will afford a continuous line of rail road from Lafayette to Baltimore city—either at Cincinnati or at about the same distance through Kentucky, this road will join the great southern road projected to the Carolinas and Georgia. It must be seen that no other work in this state can accomplish *all* these desirable connections, and no other can accomplish *any one* of them so cheaply and readily.

As a source of revenue, no other work in the west can compare with it—four different communications are either completed or far advanced, from the sea board to the Ohio—one through Pennsylvania, the Baltimore and Ohio rail road terminating at Wheeling—the Chesapeake and Ohio canal, and the James river and Kanhawa improvement. The business and travel that is thus to be thrown upon the upper Ohio no one can pretend to estimate. How large a portion of this business is to

pass through our state on its way to the far west, may in some measure be anticipated from a knowledge of the extensive emigration, travel and traffic now taking place in its very infancy.

An inspection of the map will show that the mouth of the Miami is the most favorable spot for the landing, receiving and forwarding of this business. The north bend only 7 miles above, is the most northerly part of the Ohio river, and every mile above or below not only increases the distance, but presents greater obstacles in the shape of a rougher country and the passing of larger streams. That this road must therefore become the principal line of travel, and communication between the north and north west and the upper Ohio, the middle and south eastern states cannot be doubted, nor that it must afford such a profit to its owners as will justify the state in the investment of funds upon it.— So well satisfied are the board of this fact that they are willing to guarantee to the state 5 per cent. dividend on \$500,000 or a greater sum that the state may choose to invest after the road is completed.

GEO. H. DUNN,

*Pres't. L. & I. R. R. Co.*

**A STATEMENT of the expenditures of the Lawrenceburgh and Indianapolis Rail Road Company from the commencement to the 5th January, 1837.**

Books, stationary, &c., including books, stationary, desks, &c. for President, Treasurer, Clerk and Engineers,	\$208 59
Engineer Department, including expenses and pay of engineers and hands employed in preliminary surveys and final location of the road,	4,744 88
Mathematical instruments,	376 93
Printing,	108 50
Real estate and right of way,	2,374 93
Expenses, including pay of President, Treasurer, Clerk and Agents for the company,	2,620 24
Interest, being discount on notes due for stock sold to Branch Bank at Lawrenceburgh,	29 91
Railway at Shelbyville,	2,165 16
Railway Iron, being Davis and Brooks' bill of iron,	2,176 22
and frt. and charges on 7 kgs. spikes,	72 24
	<u>2,249 16</u>
Construction, being whole amount paid to contractors on sections No. 1 to 7,	7,678 60
P. Miller, contractor, being amount paid him on account, construction not yet brought into account,	576 17
Exchange account, being loss on \$100,000 state bonds cashed at New York,	5,388 88
The company have also paid the interest on the \$100,000 state bonds to the 1st day of May, 1837, which according to the act of the General Assembly, entitled the company to the interest accruing on the bonds and mortgages of the stockholders to the same date,	4,166 67
The Treasurer has also deposited to the credit of the Treasurer of State, five hundred dollars in the Lawrenceburgh Branch of the State Bank of Indiana, being the bonus due the state on \$100,000, state bonds cashed,	500 00
<b>Total amount of expenditures Jan. 5, 1837,</b>	<u><u>\$33,188 42</u></u>

**EDWARD F. TEST, Clk.**

*of L. & I. R. R. Co.*

STATE OF INDIANA, }  
Dearborn county. }

Edward F. Test, Clerk of the Lawrenceburgh and Indianapolis Rail Road Company, being duly sworn, doth depose and say that the within presents a true statement of the expenditures of the said company, as appears from the books of the same.

Sworn to and subscribed before me this 7th day of Jan., 1837,

ASA SMITH, J. P. [SEAL.]

Mr. Thompson of P., introduced a petition signed by sundry citizens of Crawford county, praying that a company be incorporated to erect a bridge across Big Blue river, between Covington and Leavenworth; which was,

On motion of Mr. Thompson of P., referred to the committee on corporations.

Mr. Chambers introduced the petition of John Brown and others, praying the appointment of commissioners to review, and an appropriation to be made to clear Lost river and Lick creek of obstructions; which was,

On motion of Mr. Chambers, referred to the same committee to whom a similar petition was referred.

Mr. Hillis made the following report:

Mr. PRESIDENT—

The committee of ways and means to whom was referred a resolution of the Senate instructing them to inquire into the expediency of so amending the present revenue law, as to require the assessment rolls to be made out in alphabetical order, have had that subject under consideration and have directed me to report that it would be inexpedient to legislate on that subject and ask to be discharged from the further consideration of the subject.

*Ordered*, That the committee be discharged.

Mr. Hillis made the following report:

Mr. PRESIDENT—

The committee of ways and means to whom was referred a resolution of the Senate, instructing them to inquire into the propriety of so changing the law on the subject of the collection of the state and county revenue as to make it the duty of all persons charged with a state or county tax, to pay the same over to the county treasurer; also to inquire into the expediency of providing by law for the election by the people of the several counties the county treasurer, have had the subject under their consideration and have directed me to report that it would be inexpedient to legislate on that subject at this time. The committee ask to be discharged from the consideration of the subject.

*Ordered*, That the committee be discharged.

Mr. Thompson of L., made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the engrossed bill, No. 167, of the House of Representatives, entitled a bill for the benefit of Nancy Roseberry, have, according to the instructions of the Sen-

ate, agreed to the following amendment thereto, and have directed me to report the same back to the Senate and ask their concurrence:

Insert as an additional section the following:

SEC. In all cases where married females may acquire property under similar circumstances as above, the circuit court of the county in which said married females may live, may appoint trustees to take charge of the same, for their use, maintenance and support.

The amendments were not concurred in.

Mr. Kennedy moved to indefinitely postpone the bill;

Which was not agreed to.

On motion, the bill was read a third time, and

On the question shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Bradberry, Casey, Chambers, Claypool, Cole, Crawford, Daily, Dunning, Elliott, Everts, Ewing, Hackett, Hamilton, Hillis, Milroy, Moore, Plummer, Sigler, Stafford, Stanford, Turman, Thompson of L., Thompson of J., Vawter and Walker—29.

*Those who voted in the negative are,*

Messrs. Boon, Brady, Clark, Colerick, Conwell, Dobson, Dumont, Fowler, Hoagland, Kennedy, Liston, Little, Mitchell, Morgan, Stewart, Thompson of P., and Trask—17.

And so the bill passed.

Mr. Dumont from the committee on education, made the following report:

Mr. PRESIDENT—

The committee on education to whom was referred sundry resolutions proposing amendments in the school laws, the report of the revisor of the congressional school laws, recommending sundry additions and amendments, and also the bill incorporating congressional townships and providing for public schools therein, have had the same under consideration, and have instructed me to report that they have incorporated most of the amendments proposed by said several resolutions, and the report of the revisor, with the aforesaid bill, in which, with other amendments herewith submitted, they ask the concurrence of the Senate.

The amendments were concurred in, and the bill referred to the committee of the whole and made the special order of the day for tomorrow at 2 o'clock.

Mr. Dunning made the following report:

Mr. PRESIDENT—

The committee on education to whom was referred the petition of Emsley Wood and other citizens, asking for the formation of a new congressional school district, have had the same under consideration and directed me to report that legislation upon that subject is inexpedient.

The committee were discharged and the petition in the report mentioned, referred to a select committee of Messrs. Dunning and others.

Mr. Milroy made the following report:

Mr. PRESIDENT—

The committee on roads to whom was referred the petition of Jas. H. Shedar and others, requesting the location of a state road, have had the same under consideration and have directed me to report a bill to provide for the location of said road.

The bill in the message mentioned, was read a first time, and

On motion of Mr. Milroy,

The rules of the Senate were dispensed with, the bill read a second time and engrossed for a third reading.

Mr. Vawter made the following report:

The joint committee on enrolled bills, report, that they did on this day present to His Excellency the Governor, for his approval and signature, bills which originated in the Senate, of the following titles, viz:

No. 8—An act to legalize the election of probate judge in Fulton county;

No. 15—An act to legalize the election and acts of H. P. DeBruler as probate judge in the county of Pike; and

No. 25—An act to organize the county of Steuben;

No. 26—An act to organize Lake county; also

A joint memorial of the General Assembly of the State of Indiana, on the subject of the Cumberland road.

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Dumont made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill to amend the charter of the Vevay seminary, have had the same under consideration



and have instructed me to report it back without amendment.

The report was concurred in and the bill read a third time and passed.

Mr. Vawter from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report, that they have compared an enrolled bill, which originated in the Senate, entitled,

No. 79—An act authorizing the commissioner of the Michigan road to correspond with the commissioner of the General land office in order to have the title perfected to the state of Indiana, to the Michigan road grants, and for other purposes, with the engrossed bill,

And find the same truly enrolled.

On motion of Mr. Smith, the Senate resumed in committee of the whole the consideration of the bill on the subject of the surplus revenue, Mr. Brady in the Chair.

After having transacted some business, on motion, the committee arose, and Mr. Brady made the following report:

Mr. PRESIDENT—

The committee of the whole to whom was referred the bill to provide for the loaning of so much of the surplus revenue of the U. States as this State may be entitled to and receive by virtue of an act of Congress, approved June 23d, 1836, have had the same under consideration, made some progress, but not having time to go through have instructed me to report progress and ask leave to sit again.

*Ordered*, That the committee have leave, and

On motion the Senate adjourned.

WEDNESDAY, JANUARY 18, 1837.

The Senate assembled.

On motion of Mr. Hoagland, leave of absence was granted to Mr. Cole.

Mr. Dobson presented the remonstrance of sundry citizens of Owen and Green counties, remonstrating against a change in the present location of the Central canal; which was

On motion of Mr. Dobson, laid on the table.

Mr. Liston introduced a petition signed by sundry individuals, asking an appropriation to clear the St. Joseph river of obstructions;

Which was, on motion of Mr. Liston, referred to the committee on canals and internal improvements.

Mr. Plummer introduced the remonstrance of sundry individuals of the county of Dearborn, remonstrating against the incorporation of a company to construct a bridge across Tanner's creek; which was,

On motion of Mr. Plummer, referred to the committee on corporations.

Mr. Hillis made the following report:

Mr. PRESIDENT—

The committee on ways and means to whom was referred the resolution of the Senate, instructing them to inquire into the expediency of appropriating one thousand dollars in the purchase of a fire engine and the necessary apparatus, for the safety of the public property located at Jeffersonville, have had the same under consideration, and have directed me to report, that inasmuch as that subject is now pending before the Senate, any legislation upon the subject is unnecessary, and they ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Thompson of L., made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the engrossed bill No. 3, of the House of Representatives, entitled a bill providing for the mode of electing United States Senator, and for other purposes, have considered the same, and have directed me to report it back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged, and on motion, the bill in the report mentioned, was passed to a third reading.

Mr. Thompson of L. from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the engrossed bill of the House of Representatives, No. 129, entitled a bill to authorize Daniel A. Rollins to sell certain real estate therein named, have had the same under consideration, and have directed me to report it back to the Senate, without amendment, and ask to be discharged from the further consideration thereof.

The bill in the report mentioned, was passed to a third reading.

Mr. Thompson of L. from the judiciary committee made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the engrossed bill of the House of Representatives, No. 60, entitled a bill to change the

mode of doing county business in the county of Gibson, have had the same under consideration, and have directed me to report it back to the Senate and recommend its indefinite postponement.

On motion, the bill in the report mentioned, was laid on the table.

Mr. Thompson of L. from the judiciary committee, made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the resolution of the Senate, instructing an inquiry into what amendments, if any, are required in the poor laws, have directed me to report that legislation, in their opinion, on said resolution, is at this time, inexpedient, and ask to be discharged from the further consideration thereof.

*Ordered,* That the committee be discharged.

Mr. Thompson of L., made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the engrossed bill No. 124, of the House of Representatives, entitled a bill to legalize the election of Probate Judge in Kosciusko county, have, according to order, had the same under consideration and have directed me to report it back to the Senate, without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged and the bill in the report mentioned, read a third time and passed.

Mr. Thompson of L., made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the bill of the Senate entitled, a bill to amend an act to organize Probate courts, and defining the powers and duties of Executors, Administrators and Guardians, approved February 10, 1831, have considered the same and directed me to report it back to the Senate, without amendment, and ask to be discharged from the further consideration thereof.

The bill in the report mentioned, was read a third time and passed.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill No. 18, from the House of Representatives, entitled an act to provide for the survey of the East Fork canal, have considered the provisions of said bill, and have instructed me to report it to the Senate, and recommend that it be indefinitely postponed;

In which the concurrence of the Senate is requested.

The report was not concurred in.

On motion of Mr. Elliott, the bill was amended by adding to the last section the following: "Provided, that said survey shall be made by the resident corps of Engineers on the White-water canal during the present season; if there be sufficient time to do the same without interference with the progress of said canal, or causing any additional expense to the State."

On motion, the amendment was considered as engrossed and the bill read a third time, and

On the question, shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Brown, Bradberry, Casey, Colerick, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Everts, Ewing, Fowler, Hillis, Hoagland, Little, Milroy, Mitchell, Moore, Morgan, Plummer, Puett, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Trask, Vawter and Walker—34.

*And those who voted in the negative, are,*

Messrs. Brady, Clark, Collins, Conwell, Hackett, Hamilton, Kennedy, Liston, Sigler, Thompsn of L., and Thompson of J.—11.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee on canals and internal improvement to whom was referred the petition of sundry citizens of Pike county, praying an appropriation to coustruct a turnpike or rail road from Mount Carmel in Illinois, to Princeton in Gibson county, to Petersburg in Pike county, to Jasper in Dubois county, to Levenworth in Crawford county, to Corydon in Harrison county, to a point on the Ohio river, where the Louisville Southwestern rail road may terminate, and thence to New Albany and Jeffersonville, have considered the subject and have instructed me to report, that in the opinion of the committee it is inexpedient and impracticable, in the present circumstances of the state, to grant the appropriation prayed for; and the committee ask to be discharged from the further consideration thereof.

Mr. Stanford made the following report:

MR. PRESIDENT—

The committee on claims, report that they have had under consideration a bill to incorporate the Indianapolis and Michigan City Rail Road Company, and have made four amendments thereto, to wit: 6th section 5th line from bottom, strike out "court of common pleas," and insert *circuit court*. 9th section, last line, strike out "ever," and insert *the term of fifty years*. 14th section, 12th line, strike out "court of common pleas," and insert *circuit court*; and add the following proviso:

*Provided, That the State of Indiana reserving to herself the right to cross or intersect said rail road with any state work, either canal, rail road, or turnpike,*

In which the concurrence of the Senate is requested.

The amendments to the bill in the report mentioned, were concurred in, and the bill laid on the table.

Mr. Daily from the committee on the state prison, made the following report:

MR. PRESIDENT—

The committee on the affairs of the state prison, to whom was referred a joint resolution relative to the purchase of a fire Engine for the protection of the public property located at the town of Jeffersonville, have, according to order, had that subject under consideration, and have made one amendment thereto; which they have directed me to report to the Senate, and ask their concurrence therein.

The amendment was concurred in, and on motion, the joint resolution considered as engrossed, read a third time and passed.

The following message was received from the Governor by Mr. Maguire his private Secretary:

MR. PRESIDENT—

The Governor did, on the 7th instant, approve and sign an act to incorporate the Indiana Pottery Company for the purpose of manufacturing earthenware and China.

Mr. Vawter from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills report that they have compared an enrolled joint resolution No. 81. which originated in the Senate, entitled a joint preamble, memorial, and joint resolution, in relation to the improvement of the southern coast of Lake Michigan, and find the same truly enrolled.

Mr. Thompson of P. made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives, entitled a bill to incorporate the Brookville Insurance Company, have critically examined the same, made several amendments, and instructed me to report it back, and ask the concurrence of the Senate.

The amendments were concurred in and the bill passed to a third reading.

Mr. Thompson of P., made the following report:

Mr. President—

The committee on corporations to whom was referred a bill of the Senate to incorporate the Delphi Insurance company, have duly revised the same, and made two amendments, in which they ask the concurrence of the Senate.

The amendments were concurred in; and

On motion, the bill was considered as engrossed, read a third time and passed.

On motion of Mr. Puett,

*Resolved*, That a select committee be appointed to inquire into the expediency of appropriating a part of the 3 per cent. fund, which does or may belong to the counties of Vigo, Parke and Montgomery to the improvement of the mail stage route from Terre-Haute via Rossville, Rockville, and Waverland to Crawfordsville, with leave to report by bill or otherwise.

*Ordered*, That Messrs. Puett, Boon and Beard be the said committee.

On leave granted, Mr. Morgan introduced a bill to provide that recorders shall furnish the clerks of the circuit courts with a list of all lots and tracts of land for which deeds have been by them recorded;

Which was read a first time; and

On motion of Mr. Morgan,

The rules of the Senate were dispensed with, the bill read a second time and referred to the judiciary committee.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Smith, the committee of the whole were discharged from any further consideration of the bill to provide for the loaning of so much of the surplus revenue of the United States as this state may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836.

Mr. Morgan moved to amend the bill by adding the following after the words equal and a like amount, in the fourth line of the 1st section: According to the amount of taxable polls for the year 1836.

Mr. Milroy proposed to amend Mr. Morgan's amendment as follows: As near as may be, estimating the probable increase of population between 1836 and 7, from the increase between 1835 and 1836;

Which was agreed to; and

On the question shall the amendment as amended be adopted?

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Brady, Chambers, Clark, Claypool, Collins, Conwell, Daily, Dumont, Elliott, Fowler, Hackett, Hamilton, Hillis, Kennedy, Little, Morgan, Plummer, Puett, Sigler, Stafford, Stanford, and Thompson of L.—24.

*And those who voted in the negative are,*

Messrs. Bell, Boon, Casey, Cole, Colerick, Crawford, Dobson, Dunning, Everts, Ewing, Hoagland, Liston, Milroy, Mitchell, Moore, Smith, Stewart, Turman, Thompson of P., Thompson of J., Trask, Vawter and Walker—23.

And so the amendment was adopted.

Mr. Colerick proposed to amend by striking out all after the word funded in the 3d line of the first section and insert,

In the branches of the State Bank of Indiana, and the accruing interest thereon as well as the principal, to be subject to the order of the fund commissioners, to be by them appropriated in defraying the interest on the state bonds, for money loaned to carry on the system of internal improvements.

Mr. Ewing proposed to amend Mr. Colerick's amendment, by inserting after the words branches of the State Bank, the following:

And four additional branches to said State Bank hereafter to be located.

Mr. Collins moved to re-commit the bill to a select committee with instructions to strike it out from the enacting clause and insert in its stead the following:

SEC. 1. That the President and Directors of the State Bank be and they are hereby authorized to receive from the Treasurer of State any and all moneys which may accrue to the State of Indiana, under the act of Congress of the 23d of June, 1836.

SEC. 2. That with said money the said Directors shall, (by the President) subscribe for, take and pay one-half the stock in the branches of the said bank, authorized to be raised by the amendment of the bank charter, approved January 25, 1836, in all cases where individuals will subscribe for and pay the other half, under such regulations as may be prescribed by the said board of directors, not inconsistent with the bank charter.

SEC. 3. That with the residue of said fund said president and directors shall subscribe and pay in manner as aforesaid, for one half the said stock, in such additional branches of said bank as said board may deem it proper and expedient to establish not exceeding four in number, to be established and opened in all respects as were the branches of said bank already established.

SEC. 4. That in establishing such additional branches, the said board of directors shall designate the places—being in all respects governed by the act establishing the state bank, approved January 28, 1834, except so far as said act regulates the districts within which

such branches should be established, and having a due regard to the laws and constitution of this state.

SEC. 5. That should there still remain an unappropriated residue of said fund, then the commissioners of the sinking fund shall loan the same in the same manner that the sinking fund is now loaned.

SEC. 6. That said additional branches shall in all things, except as hereinafter provided, be regulated and managed by and under the act establishing a state bank and the act amendatory thereto.

Mr. Boon moved to amend the instructions by striking out that part authorizing four additional branches of the state bank;

Which was not agreed to.

Mr. Thompson of L. moved to amend the instructions as follows, viz:

That the amount of dividend accruing to the state upon her proportion of the stock in said branches, shall be subject to the draft of the fund commissioners, to be by them appropriated to the payment of the interest and principal of all loans for the purpose of internal improvement.

Mr. Morgan proposed to amend Mr. Thompson's amendment, by permitting one half to go to pay the interest on the internal improvement loan, as proposed by Mr. Thompson's amendment, and that the other half be paid over semi-annually to the school commissioners of the several counties, in proportion to the taxable polls returned to the auditor of public accounts;

Pending which,

On motion, the Senate adjourned.

THURSDAY, JANUARY 19, 1837.

The Senate assembled.

On motion of Mr. Hillis, Mr. Claypool was added to the committee on the State Bank.

The President laid before the Senate the following report of the Principal Engineer on Roads and Rail Ways, which was,

On motion of Mr. Hillis, laid on the table and 500 copies ordered to be printed:

OFFICE STATE BOARD INTERNAL IMPROVEMENT, }  
Indianapolis, 17th January, 1837. }

HON. DAVID WALLACE,

*President of the Senate:*

As promised in a previous communication, the report of the Principal Engineer on Roads and Rail Ways, this day received, is laid before the Senate accompanied by abstracts showing the quan



titles and cost of work under contract, at present contract prices, and the average cost per mile, on the Madison and Lafayette Rail Road, the New Albany and Vincennes M'Adamized Road, and Jeffersonville and Crawfordsville Road.

In the absence of the other members of the Board, the undersigned has taken the liberty, in this particular, to act in their behalf.

Very respectfully,

THOMAS H. BLAKE,  
*Of the State Board Int. Imp.*

To Dr. D. H. MAXWELL,

*President of the Board of Internal Improvement:*

SIR—In compliance with the duties devolving on me, as the principal Engineer for Rail-ways and Roads, in the state of Indiana, I beg leave to submit the following report, premising however, that the late period of my entrance into the service of the state, must necessarily prevent me from entering into such details in regard to the work entrusted to my charge as would have been done, had I been longer with you.

The works over which I have charge and now in progress, are the Madison and Lafayette Rail Road—the Jeffersonville and Crawfordsville Road, and the New Albany and Vincennes M'Adamized Road. Permit me to present you my veiws on each of the above named improvements in the order named.

## OF THE MADISON AND LAFAYETTE RAIL ROAD.

The location of the 1st and 2d divisions of this road was made, and the work advertised for contract, previous to my arrival in the state. The interval between my arrival and the time of letting being but a few days did not permit me to make any extensive examinations of the route. The heaviest and most difficult part of the line, however, was examined carefully, being that part in the immediate neighborhood of Madison. I also made anocular examination of other routes, both above and below the town, and was then satisfied that the best location had been adopted. Since that time I have had opportunity of more particularly examining the location of this work, and do not hesitate to give it my decided approval.

The country lying between Madison and Vernon is of peculiar character, and one over which the construction of a rail road is attended with much difficulty. The high grounds fronting on the Ohio river for many miles, both above and below Madison are abrupt in their ascents; all ravines or valleys terminate at short distances, and are surmounted by perpendicular cliffs of limestone. This feature of country will be more readily understood when you are told that at a distance of but a little more than two and a quarter miles from Madison, the level of the country is 431 feet above the commencement of the road at Madison, 214 feet above its level at Vernon, and 250 feet above its level at Co-

lumbus. The peculiarity of this section of country exists further, in the fact that at a distance of not more than four miles from Madison, we encounter the tributary waters of the Wabash river, running parallel with the Ohio. We are thus compelled to cross the valleys of nearly all the streams encountered directly at right angles. Some of these valleys are deeply indented below the general level of the country, and can only be crossed at a heavy expense. The principal difficulty, however, is confined to a few points only. The first in magnitude of these is found between the commencement of the road at Madison, and the head of the inclined plane. Here nearly one-third of the whole expense of the work under contract originates; and let me further say, could not be avoided without materially affecting the capacity of the road; and even in such case the saving of cost would not be at all equal to the sacrifice. At this place, but two expedients seemed to have presented themselves to the locating engineer; either to make a circuitous and curved road at a grade over 100 feet per mile, and that at a tremendous expense, or to adopt an inclined plane. The latter plan has, in this case, I believe, been wisely adopted. I am by no means partial to inclined planes; whenever it is possible by any reasonable expense to avoid them, such avoidance should by all means be had. In this case, however, no other practicable mode of construction presented itself. A cheaper plane than that now under contract might have been constructed, but its grade would have been such as would have completely forbid the use of horse power; such to say the least, would have been an expedient location. The inclined plane as adopted, and now under contract, is suited to the employment of horse power, having a grade of only 313 feet per mile, and whenever the employment of such power is deemed no longer advisable, it will answer equally well for the employment of stationary power. It is not certain, however, that either of these means will be resorted to. This plane has a lower grade than that of the plane on the Columbia rail road near Philadelphia. By late experiments it has been clearly demonstrated, that, with the improved locomotive engines, a weight of nearly nine tons could be carried from the foot to the head of that plane, in the short space of two and a half minutes, being a distance of 2800 feet, the ascent being at the rate of 369 feet per mile. In after experiments it was found entirely practicable to stop the engine on the plane with the same load and ascend or descend, with nearly the same facility that could have been exercised on a level road.

The result of these experiments induce the hope, that all the freight which will be carried on the Madison and Lafayette rail road, may be carried by the use of locomotive engines only—should such hope be realized, the propriety of the present location cannot be a matter of doubt. This opinion is expressed with the more confidence, inasmuch as the grade of this plane is 56 feet less in a mile than that on the Columbia road. Since the time of making the experiments referred to, it has been the fortune of your Engineer to examine that plane personally, also the locomotive spoken of, as well as another locomotive constructed by the same artist, the powers of which were proved by simi-

lar experiments to be fully equal, if not superior to that of the first.—Knowing then what has been done, it would be strange, if your Engineer should give less credit to Western than to Eastern enterprise and say that we cannot employ locomotion, on a plane where the ascent is 56 feet less in a mile than the ascent of the plane where the experiment has been successful. Such opinion would ill comport with the genius and enterprise exhibiting itself more and more every day in what is fittingly called the “mighty west.”

I append hereto a statement marked A., showing the names of the contractors, and the prices to be paid for the graduation, masonry and bridging of the 1st and 2d Divisions, and the cost of each section, and also the estimated cost of the same work, made previously to its being put under contract.

From that statement you will perceive, that the whole cost of the 1st and 2d divisions, estimated at contract prices, will be \$609,633, and that the average cost per mile will be \$27,710; of this amount the sum of \$176,827 is applicable to the distance between the commencement of the road at Madison and the head of the inclined plane. You will observe also, that on the 1st, 8th and 16th sections of the 2d division, the aggregate cost will be \$179,730. It follows then, that the cost of the distance between the commencement of the road and the head of the inclined plane, added to the cost of the sections last named, will amount to the sum of \$356,557. This calculation comprises a distance of only 3.46-100 miles—thus showing the fact, that this last named distance will cost under contract prices, \$102,481, more than the whole of the remaining part of the line, comprising a distance of 18.54-100 miles. Such heavy expenditures cannot occur again on any part of the route between Vernon and Indianapolis. The country lying between those points is one which is considered peculiarly favorable for the construction of rail roads, and presents facilities for such improvements greater than I have ever seen elsewhere.

Immediately after the lettings were had on this road, the Resident Engineer, E. M. Beckwith, was directed to organize a party and proceed to make the location from Vernon to Columbus. In order that a full understanding of the whole intervening country should be had, it was deemed necessary that three distinct locations, between those points, should be made, occupying the best and most favorable ground; transverse sections connecting these lines, were also directed to be taken, as by such surveys an accurate knowledge of the country could be acquired. This duty has been promptly and efficiently executed. From the report submitted to me, and the calculations and statements appended thereto, all of which have been examined closely and carefully, my previous opinion respecting this part of the road has been confirmed. The total estimated cost of the graduation of each line located is as follows, viz:

The eastern line,	the length of which is	21.85 miles,	\$355,589
Middle line	length	“ 21.57 “	389,309
Western line	length	“ 21.78 “	335,590

I believe these estimates large, even at the present advanced prices of

labor and provisions. Should any depression take place, in these prices, then the estimates of these several lines will certainly overrun the actual cost.

The practice of estimating work at less than its actual cost, is always reprehensible, leading as it does frequently to the embarkation in works which would be, on fair representation, considered inexpedient. So far as regards the estimates of the different lines from Vernon to Columbus, an effort has been made to avoid this fault. Your Engineer deems it his duty to present you with no statement, that will not bear the strictest scrutiny. If on putting the work under contract he is found to have erred, that error must be attributed to a want of judgment, or a full knowledge of circumstances, and not to any intention to deceive. I have come to no determination which of the routes surveyed between Vernon and Columbus should be adopted. This is left for future consideration and future contingencies. The difference between the several routes is so small, that a very little matter may determine the location; it is therefore manifestly improper, that I should at this time express any opinion of preference.—In order that you may duly appreciate the weight that ought to be attached to the estimates on these surveys, I would respectfully request, that your attention be turned to the estimates of the 1st and 2d divisions already referred to, which accompany this report in the tabular statement, marked A. By reference to that statement, it will be found, that the estimates and the actual cost differ only \$13,758, on the whole of the work now under contract.

It may perhaps be travelling out of my sphere, to ask your attention to the subject, which I now propose to give a hasty examination; but I would consider myself wanting in duty to the State, did I withhold any information or opinion connected with your improvements, which would be at all likely to throw any light upon this subject. Let me then say, that I look on the completion of this road, at least to Columbus, at the earliest possible period, of much importance to the State. The road now under contract, when completed, cannot be a source of profit—the amount of money expended or to be expended, forbids the idea. It must be a source of expense, if suffered to stop at Vernon. It will be so, because it is distant from the rich and fertile country from which a great portion of the tonnage must be expected. It will be so further, because the expense of its construction is not at all proportional to the distance. It would seem then to me, that true policy would dictate the propriety of putting the work under contract, at least as far as Columbus, at the earliest practicable period. The work being generally of light character, could be executed as soon as the heavy work now under contract, so that the whole distance from Madison to Columbus, may be brought into use simultaneously. Let the road be completed to Columbus, and I believe, from the best information I have been able to collect, that the tolls, arising therefrom, will pay the interest on the money invested in its construction. Should such be the case, the propriety of this immediate extension cannot be questionable; the consequent increase of the population and wealth of the country would se-

case a revenue hereafter, which revenue will be increased by all future extensions. The capacity of the road, even with a single track, will be great, located as it is, almost without curves, and what is known to be easy grades.

Taking the lowest estimate which can well be made, a single locomotive engine will move twenty tons of freight from Madison to Indianapolis in one day; and the actual cost attendant on that removal cannot exceed 16 dollars. I would by no means however, thus limit the power of a locomotive. There are now engines on the Columbia rail road, fully capable of drawing a gross weight of 112 tons, on that road, at the rate of from 10 to 15 miles per hour. The location of the Madison and Lafayette rail road is far superior to that of the Columbia rail road. Here, we have but little curvature and easy grades—there, much rapid curvature and heavy grades are encountered. The present rates of transportation between Madison and Indianapolis are better known to yourself than to me. You can therefore more readily draw the proper contrast. The advantage to travellers on this road will also be great. At present, nearly four days are consumed in making the trip from Madison to Indianapolis. Let the road be completed, and the same trip may be performed in four hours.

The plan of superstructure which I propose adopting, I will describe briefly.

In the first instance, a continuous line of timber is to be laid longitudinally with the road, immediately under the bearing of each rail; these longitudinal bearing pieces are to be flattened only, and may vary in size from ten inches and upwards, and are to be firmly embedded in trenches cut in the road. Upon these timbers are to be placed cross ties at intervals of four feet from centre to centre, in which gains are to be cut of such capacity as will admit the wooden string piece. In curved lines, and whenever in other cases it may be deemed necessary, the cross ties are to be secured to the bearing timbers by good oaken pins. The string piece or rail will then be laid and secured by wedges. The iron bar is to be placed on this string piece, secured by spikes of sufficient size; the joinings of the bars are to be supported by bearing plates. The size of the cross ties are to be not less than 6 by 8 inches. The wooden rail to be of the same dimensions, having its greatest diameter vertical to the plane of the road.

The kind of bar or iron rail to be used is not yet determined on, circumstances will in a great measure control this determination; the present price of iron is high, and present economy would dictate the propriety of using the lightest and cheapest kind of rail,—experience has proved however, that such economy is frequently extravagance in the end.

The estimated cost of the wooden superstructure, not including the iron railing, on the plain heretofore specified, is \$3,036 per mile. The cost of the iron cannot be determined, fluctuating as the prices are at present. If, however, the cheapest kind of bar should be adopted, at present prices, the whole cost of superstructure is estimated at \$4,430 per mile for a single track. A rail of increased size or weight

would give a consequent increase of cost. It is hoped, however, that the present rates will not be retained. Iron is now falling in price in England. The price of labor in our own country must fall also, as it cannot be expected that the same scarcity of provisions, that now exists, will soon exist hereafter, unless indeed a second failure of eastern crops should take place,—such failure would seem almost contrary to the law of nature.

## OF THE JEFFERSONVILLE AND CRAWFORDSVILLE ROAD.

At a meeting of the Board of Internal Improvement held in October last, it was determined that that portion of road between Jeffersonville and New Albany, should be located and put under contract, as soon as circumstances would permit, and that this location should be so made that it would answer equally well for a M'Adamized or for a rail road, and that an accurate survey and estimate should be made under the direction of your Chief Engineer, of the route between that point and Crawfordsville, in order that the practicability of constructing a rail road should be determined. The first of these duties has been performed. Immediately after the resolution of the Board was communicated to me, I directed Mr. Fauntleroy, who had been engaged in previous surveys on that route, and who was considered as the Resident Engineer, to proceed to the location of the road between Jeffersonville and New Albany. This location was made, and I take pleasure in saying it was, I believe, well made. It underwent my examination and received my approval. It may seem strange, that your Engineer should tell you that this location was attended with peculiar difficulties; yet such was the fact. A great portion of the country between Jeffersonville and New Albany is subject to inundation from the Ohio river, and that in some places, back to a distance of several miles. The propriety of locating a road below high water mark, is always questionable—here, it would be even more so, when it is expected that this road will be a great and important thoroughfare. Much heavy work must then be encountered. Any attempt to avoid this expense would have elongated the road so much that the difference in distance would, it was thought, have rendered it equally costly in the aggregate and the additional difficulty would exist, of having increased curvature, and a direction unsuited to any extension of the road hereafter, having a conformity to the requisitions of the law authorizing its construction.

That part of the requisition of the Board relating to a location and estimate of the whole route, with a view of determining the future character of this road, will be complied with at as early a period as is practicable. As long as this character is undetermined, so also is the location, and it would be therefore manifestly improper in me to give any expression of opinion respecting it now, leading as it might do to improper conclusions. Let me be permitted however to say, that I look on the construction of the work between Jeffersonville and New Albany, as of much importance, taken in any light, believing as I do,

that the true policy of the State is to keep her capital within her own borders, so far as is practicable. At present, nearly the whole trade arriving at New Albany from the interior of this State, intended for an up river market, passes through Louisville, where its sale or transshipment is effected. Let the road between Jeffersonville and New Albany be completed, and at least a fair competition may be had with the capital of a foreign State; a competition that must add to the wealth and prosperity of your own State. This is not a subject on which I ought, perhaps, to expatiate, and I therefore leave it.

It is proper to add, that although the lettings have been had on this work, no contracts have yet been made, that I am informed of. The most favorable bids I consider low.

Appended hereto, is a tabular statement marked B, from which the cost of each kind of work, as well as of each section, may be learned, provided that the bids which I have deemed the most favorable, meets the approbation of the acting commissioner. In such case, the aggregate cost, as will be observed, amounts to \$133,909, and the average cost will be \$29,216 per mile.

The difficulty of procuring stone of a suitable quality for a work of this importance, is considerable; the nearest known quarry from which they can be obtained, is at least 12 miles from the work up the river. The transportation can, however, be easily effected by water. The price offered, I believe, is reasonable, when the character of the work to be executed is considered.

#### NEW ALBANY AND VINCENNES McADAMIZED ROAD.

The location of this road between New Albany and Paoli, was made and the work advertised for contract, previous to my entering into the service of the State. Previously to the time of letting, however, such information was communicated to me by the resident engineer, John Frazer, relative to the location, accompanied by profiles and plans of the mechanical superstructures, that I did not hesitate in giving it my approval.

The statement hereto attached, marked C., contains the same information respecting this line as tables A. and B. do, with regard to the lines to which they have reference. From this statement it will be perceived, that the whole cost of this work is \$207,793, and that the average cost per mile is \$5,007.

This work, I believe, has been let on very favorable terms to the state, and will, I have no doubt, be a source of profit hereafter.—It was provided in the contracts on this road, as well as on the Madison and Lafayette rail road, that all rock not required for the construction of the work, should be considered the property of the state, and should be piled within the limits of the road. This provision being carried into effect, the cost of McAdamizing this road will be materially lessened. Whenever the rock is of suitable quality for this purpose, the expense of transportation and quarrying is saved. When unsuited to this purpose, it may be disposed of for other purposes. Should such

disposition he made, the profits arising therefrom accrue to the State, and are fairly deducible from the cost of the work.

The metallic or McAdamized covering of this road is proposed to be formed as follows. The stone being three perches to the rod, for the first coat, is to be broken on the side of the road in continuous strings, and are to be reduced to a size not exceeding four ounces in weight. After the stone thus broken, has been measured and approved by the Engineer, they are to be thrown on the central twenty feet of the road, with shovels, and during this process, to be kept well raked, so as to insure an even and compact distribution of the same. After the first coat of metal has been thus put on the road, and sufficiently consolidated either by the action of the weather or travel, a second and third coat of the same number of perches to a rod will be put on, in the same manner, and with the same reference to its proper consolidation. These several coats of metal will form a covering of nine inches in thickness, which is thought to be sufficiently permanent for this road. Much care will however be required in keeping the road properly raked, and in making a proper distribution of travel over it, in order that a regular consolidation may be had. This plan will require 2880 perches of metal per mile; the cost I am unable to determine, not having sufficient personal knowledge of all the road. If the stone were delivered on the line of the road, the cost of breaking, throwing on, raking and keeping in order the same, until a proper consolidation is effected, would be about  $37\frac{1}{2}$  cents per perch, or \$3  $37\frac{1}{2}$  per rod. The cost of stone requiring to be quarried and hauled to the road, must depend on the distance they are to be transported and the facility with which they can be quarried; with these circumstances I am not conversant.

Permit me again to travel out of the sphere of what may seem to be my duty, and suggest the propriety of a speedy extension of this work to Vincennes, the point on the Wabash river, contemplated by law.—The travel between New Albany and that place is immense; the present road is bad; the growing importance of the country calls loudly for its improvement. At the ordinary rates of tolls, a turnpike road cannot fail of paying more than the interest on its cost; if such opinion be correct the importance of this extension is obvious. Whenever the tolls arising from any State work will pay the interest on its cost, and keep such work in repair, its expediency cannot be doubted, leading as such works always do, to the increase and population of the country, and a consequent increase of revenue to the State.

In closing this report, permit me to acknowledge the services of the resident Engineers on the several roads under my charge. The duties assigned to them have been performed with fidelity, and I hesitate not to say, that I will look to them hereafter with much confidence, for information of, and co-operation in the execution of the works entrusted to my charge.



Permit me also to apologize for the late period of your receiving my report. The time of my entrance into your service is recent, and much has been required to be done; circumstances of an uncontrollable nature have not even allowed me to devote the whole of this period to your works. Such circumstances, it is hoped, will not occur again.

Very respectfully,

H. M. PETTIT, *Principal Engineer,*  
*On Railways and Roads*

Indianapolis, January 16, 1836.



*[Faint, illegible handwritten text]*

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1. The first part of the paper discusses the importance of the role of the state in the development of the economy. It argues that the state should play a leading role in the development of the economy, particularly in the areas of infrastructure, education, and health care. The state should also play a role in the development of the private sector, particularly in the areas of research and development, and in the provision of social services.

1. The first part of the paper is devoted to the study of the properties of the function  $f(x)$  defined by the equation

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*[Faint handwritten notes, likely bleed-through from the reverse side of the page.]*

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**Statement (A.)**

An exhibit of the names of the Contractors, with the prices to be paid for the graduation, masonry, and bridging on the first and second Divisions of the Madison and Lafayette Rail Road; and also the cost of each Section. Also, the total estimated cost made previous to the work being put under contract.

[illegible]

Statement (B.)

As exhibit of the names of Contractors on the Jeffersonville and Crawfordsville Road, together with the terms of each contract, and the amount thereof,—and also the amount of the whole work, and the average cost per mile.

	NAMES OF CONTRACTORS.	Total distance from Jeffersonville in miles and feet.	Estimated number of cubic yards to be removed.	Pence per yd including grubbing, hauling &c.	Amount including grubbing &c.	Estimated grades of masonry in culverts.	Price per perch.	Amount of culverts.	Estimated number of perches of masonry in bridges.	Price per perch.	Amount of bridges.	Total cost of each section.	Total cost from Jeffersonville.
1	Hatchenson & Hewitt	5,800	11,661	25c	\$2,915 25	12	\$5 00	500 00				3,475 25	3,475 25
2	H. & R. Stewart	5,700	55,917	32	17,605 44	1,718	4 00	6,872 00				24,477 44	27,952 69
3	H. & R. Stewart	4,700	50,583	32	16,176 56	848	4 00	3,392 00				19,578 56	17,531 25
4	H. & R. Stewart	8,900	89,323	32	28,583 36	1,142	4 00	4,568 00	6,868	\$7 75	\$53,227 00	\$86,378 36	\$133,909 61
5	McGinly & Co.											Average cost per mile,	\$29,216 64

# Statement (C.)

An exhibit of the Names of the Contractors, with the prices to be paid for the graduation, masonry and bridging on the first and second Divisions of the New Albany and Vincennes road. Also, the estimated cost of each Section at contract prices.

No. of Division	No. of Sections	NAMES OF CONTRACTORS.			Length of Sect. in miles.	Price per cubic yard for excavation.		Price per cubic yard of culvert masonry.	Price for grubbing whole section.	Price per perch of masonry.	Price per lineal foot of wooden superstructure of Bridges.	Estimated cost of Section at contract prices.	REMARKS.
		For the graduation of the R. & L.	For masonry in Culverts and wooden Bridges.	For bridging.		Rock.	Earth.						
1	1	H. Stewart & Co.	Hutchenson & Sciter	Hutchenson & Sciter	1	\$ 75	\$ 28	\$320 00	\$4 98	\$18 00			
	2	Dorsey & Anthony	H. Stewart & Co.		1	60	25	300 00	3 50			\$26,621 90	
	3 & 4	James Nance & Co.	Borsey & Co.		2	75	19	600 00	5 00			3,533 75	
	5	H. Stewart & Co.	James Nance & Co.	Hutchenson & Co.	1.11	75	28	356 00	3 50	18 00		18,339 43	
	6	H. Stewart & Co.	Hutchenson & Co.						4 95			8,728 85	
	7	H. Stewart & Co.	H. Stewart & Co.		0.89	75	28	284 00	3 50			4,609 44	
	8	H. Stewart & Co.	H. Stewart & Co.		1	75	28	320 00	3 50			7,311 49	
	9	H. Stewart & Co.	H. Stewart & Co.		1	75	28	320 00	3 50			5,675 74	
	10	J. Nance & Co.	H. Stewart & Co.		1.055	1 00	28	320 00	3 50			4,517 06	
			T. Hutton & Co.	T. Hutton & Co.				600 00	5 00	26 50			
2	11	Thomas Truax	[Not let]		1.03		2 77	330 28	3 50	18 00		12,294 00	
	12	J. Nance & Co.	J. Nance & Co.		0.91	1 00	23	250 00	3 87			3,279 88	
	13	William Wines & Co.	William Wines & Co.		1.00	75	28	320 00	3 50			2,271 85	
	14	William Wines & Co.	William Wines & Co.	Hutchenson & Co.	1.00	75	28	320 00	3 50	5 00		5,155 74	
			Hutchenson & Sciter						4 95			5,014 98	
	15	William Wines & Co.	William Wines & Co.		1.00	75	28	320 00	3 50			3,050 70	
	16	Smith & McCallen	Smith & McCallen		1.00	75	21	400 00	3 50			3,267 90	
	17	Smith & McCallen	Smith & McCallen		1.00	75	25	320 00	3 50			3,572 25	
	18	J. M. Keithley	J. M. Keithley		1.00	75	28	320 00	3 50			3,610 84	
	19	H. McCallen	H. McCallen		1.00	75	21	400 00	4 00			3,152 44	
3	20	H. Stewart & Co.	H. Stewart & Co.		1.00	75	28	320 00	3 50			3,470 73	
	21	H. Stewart & Co.	H. Stewart & Co.		1	75		320 00	3 50			3,418 51	
	22	H. Stewart & Co.	H. Stewart & Co.		1	75		320 00	3 50			3,610 94	
	23	Baldwin & Punterney	Baldwin & Punterney		1	75		350 00	2 50				
			Sacket & Osborn	Sacket & Co.					4 25	20 00		15,081 10	
	24	J. & A. Johnson	J. & A. Johnson		1	75	23	500 00	3 00			3,835 00	
	25	J. & A. Johnson	J. & A. Johnson		1	75	27	500 00	3 00			3,558 77	
	26	William Wines & Co.	William Wines & Co.		1	75	28	320 00	3 50			2,005 04	
	27	William Wines & Co.	William Wines & Co.		1	75	28	320 00	3 50			2,533 24	
	28	Wilson & Doan	Wilson & Doan		1	95	19 1	500 00	1 95			2,134 68	
	29	A. W. Wilson	A. W. Wilson		1	95	19 1	500 00	2 00			2,165 72	
	30	Elijah Depew	Elijah Depew		1	1 00	25	400 00	4 00			4,312 75	
	31	Ephraim Doan	E. Doan		1	1 00	23	500 00	2 00				
			Hutchenson & Co.	Hutchenson & Co.					4 95	5 00		3,434 48	
	32	H. Stewart & Co.	H. Stewart & Co.		0.93	75	28	297 36	3 50			3,577 84	
	33	H. Stewart & Co.	H. Stewart & Co.		1.07	75	28	342 64	3 50			4,838 74	
	34	Throop & Moulder	Throop & Co.		1.05	75	28	338 00	3 50			3,413 06	
	35	Throop & Moulder	Throop & Co.		0.95	75	28	302 00	3 50			3,045 02	
	36	J. & A. Johnson	J. & A. Johnson		1	93	27	300 00	2 75			3,801 92	
	37	Samuel Chambers	S. Chambers		0.96	1 00	22	150 00	2 75			2,338 14	
	38	A. Meacham	A. Meacham		1.09		24	400 00	3 00			2,532 85	
	39	Joshua Freeman	Joshua Freeman		0.85	1 25	24	200 00	3 00			2,163 07	
	40	Z. Moorman	Z. Moorman		1.15	75	27	400 00	3 00			4,629 76	
	41	H. Daugherty	H. Daugherty		1.00	87 1	24	60 00	2 00			3,604 48	
	41 1/2	Wilson & Doan	Wilson & Doan		0.50	98	20	10 00	1 76			339 69	
Total,												\$207,793 77 1/2	Aver. cost per mile, \$5,007 08

907 08

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have passed an engrossed bill, entitled,

An act to incorporate the New Albany guards;

In which the concurrence of the Senate is respectfully requested.

The bill in the message mentioned, entitled an act to incorporate the New Albany Guards, was read a first time, and

On motion of Mr. Collins,

The rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

The following message was received from the Governor, by Mr. Maguire, his private Secretary:

Mr. PRESIDENT—

The Governor has approved and signed a joint memorial and acts of the following titles, viz:

A joint memorial of the General Assembly of the State of Indiana, on the subject of the Cumberland road.

No. 25—An act to organize the county of Steuben;

No. 26—An act to organize Lake county;

No. 8—An act to legalize the election of probate judge in Fulton county; and

No. 15—An act to legalize the election and acts of H. P. DeBruler as probate judge in the county of Pike.

All of which originated in the Senate.

Mr. Puett introduced the petition of Moses Robins and others, praying for the charter of a company to construct a turnpike road from Terre Haute in Vigo county via Roseville, Rockville, Waverland, to Crawfordsville in Montgomery county; which was,

On motion of Mr. Plummer, referred to the select committee already appointed on the same subject.

Mr. Stewart introduced the petition of Lem Kinman and others, praying for the location of a state road leading from Hathaway in Pike county, by the high bank to intersect the state road from Petersburg; which was,

On motion of Mr. Stewart, referred to the committee on roads.

Mr. Walker introduced the petition of Samuel Hamilton and others, citizens of the counties of Shelby and Bartholomew, praying for a state-road leading from Columbus to Shelbyville; which was,

On motion of Mr. Walker, referred to the committee on roads.

On leave granted, Mr. Walker introduced a bill entitled an act supplemental to an act to provide for a general system of internal improvement;

Which was read a first time and passed to a second reading.

On leave granted Mr. Milroy introduced a bill entitled an act to provide for the classification and more certain completion of the works of internal improvement authorized by an act entitled an act to provide for a general system of internal improvement, approved Jan. 27, 1836.

Mr. Dunning moved to reject the bill, and

On the question shall it be rejected?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Bradberry, Brady, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Dunning, Elliott, Everts, Hackett, Hamilton, Hillis, Kennedy, Liston, Moore, Sigler, Stafford, Stanford, Thompson of L., Thompson of J., Trask and Vawter—27.

*Those who voted in the negative are,*

Messrs. Boon, Casey, Crawford, Daily, Dobson, Dumont, Ewing, Fowler, Hoagland, Little, Milroy, Mitchell, Morgan, Plummer, Smith, Stewart, Turman, Thompson of P., and Walker—19.

And so the bill was rejected.

On leave granted, Mr. Beard introduced a bill entitled an act to amend an act entitled an act to incorporate the Perrysville and Danville rail road company;

Which was read a first time; and

On motion of Mr. Beard,

The rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

Mr. Hillis made the following report:

MR. PRESIDENT--

The committee of ways and means, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of repealing so much of the revenue law as requires persons vending merchandize, to pay a county license, have had that subject under their consideration and have directed me to report that it would be inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

*Ordered,* That the committee be discharged.

Mr. Hillis made the following report:

MR. PRESIDENT—

The committee of ways and means to whom was referred a resolution of the Senate instructing them to inquire into the expediency of so altering the revenue law, as to exempt merchants from either paying license or from being taxed on foreign merchandize, have accord-



ing to order, had that subject under consideration, and after mature deliberation had thereon, the committee are of opinion that further legislation on that subject is inexpedient at this time, and ask to be discharged from the further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Boone made the following report:

Mr. PRESIDENT—

The committee on claims to whom was referred the claim & the documents accompanying it, of John W. Lee, for money he expended and the time he lost in pursuing and taking Simon R. Moore, for stealing two horses, the property of Joseph Christ, have had the same under consideration, and have instructed me to report the following resolution in which they ask the concurrence of the Senate, viz:

*Resolved*, That the committee on ways and means be and they are hereby instructed to allow to John W. Lee, in the specific appropriation bill, thirty seven dollars for money he expended and the time he lost as set forth in the above report.

The report was concurred in.

Mr. Liston made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition of Francis W. Owens and others, praying a change in the name of the town of South Bend, to that of Otulga, have had the same under consideration and have directed me to report the following bill:

The bill in the report mentioned was read a first time; and

On motion of Mr. Everts, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Liston, the rules were further dispensed with, the bill read a third time and passed.

Mr. Everts made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of J. Bigelow and others, have had the same under consideration, and have instructed me to introduce the following bill:

The bill in the report mentioned, entitled an act to incorporate the Michigan and Kankakee Rail or Canal company, was read a first time; and

On motion of Mr. Thompson of L., the rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Boon, laid on the table.

Mr. Dunning, from a select committee, made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition of William Chambers and other citizens of Monroe and Lawrence counties, asking for the passage of a law authorizing the removal or an alteration in the construction of certain mill dams across big Salt creek, so as to prevent any obstruction to the navigation of said stream; also two several remonstrances from the citizens of the counties aforesaid, objecting to any change being made in any of said mill dams, have had the same under consideration, and are induced to believe from all the information the committee can obtain from the papers before them, that the obstructions complained of, and the evils incident thereto, do not exist to an extent sufficient to justify your committee in recommending any interposition on the part of the legislature; believing as they do that the law already in force in relation to public nuisances is sufficient to obviate all the difficulties which exist in relation to the subject matter of the petition. The committee have therefore directed me to report that legislation upon said petition is at this time inexpedient.

*Ordered,* That the committee be discharged.

Mr. Stanford made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill No. 65, to amend an act entitled an act for the appointment of county surveyors and their deputies, have had the same under consideration, and have made three amendments thereto, and directed me to report the same to the Senate, and ask their concurrence.

1st. Amendment in the 2d section strike out all after the word "perpetuated" in the 4th line.

2d. Strike out the 5th section.

3d. Strike out the annexed extract from Gordon's Digest.

The amendments were concurred in, and the bill referred to the judiciary committee.

Mr. Vawter made the following report:

The joint committee on enrolled bills, report, that they have compared the enrolled with the engrossed bills and joint resolutions which originated in the House of Representatives of the following titles, viz:

No. 4—An act repealing certain acts regulating the mode of doing county business in the county of Greene.

No. 215—A preamble and joint resolution on the subject of erecting a bridge across the Kankakee river in Porter and Newton counties.

No. 85—An act to incorporate the Fort Wayne and Maumee bridge company.

No. 127—An act to revive and continue in force an act entitled an act to incorporate the town of Rome, in Perry county, approved Feb. 1, 1836.

No. 132—A joint resolution on the subject of the 3 per cent. fund.

No. 11—An act changing the time of holding elections for township officers in the county of Warrick, and

No. 45—An act to incorporate the trustees of the Western University, and find the same truly enrolled; and,

On motion,  
The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The following message was received from the House of Representatives by Mr. Proffitt, a member:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill entitled an act to incorporate the Mt. Carmel and New Albany rail road, in which they request the concurrence of the Senate.

The bill in the message mentioned was read a first and second time and referred to the committee on corporations.

Orders of the day were taken up, to-wit: the bill on the subject of the surplus revenue, and,

On Mr. Morgans proposed amendment to Mr. Thompson's amendment, proposing to give one half of the interest of the surplus revenue to common schools, instead of appropriating it all to the payment of the principal and interest on loans, as proposed by Mr. Thompson's amendment,

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Brady, Casey, Conwell, Crawford, Daily, Dobson, Dumont, Ewing, Fowler, Hoagland, Milroy, Mitchell, Morgan, Plummer, Puett, Smith, Stanford, Stewart, Turman, Thompson of P., Vawter and Walker—24.

*And those who voted in the negative are,*

Messrs. Beard, Bradberry, Chambers, Clark, Claypool, Cole, Cole-  
rick, Collins, Dunning, Elliott, Everts, Hackett, Hamilton, Hillis,  
Kennedy, Liston, Little, Moore, Sigler, Stafford, Thompson of L.,  
Thompson of J., and Trask,—23.

So the amendment was adopted.

Mr. Collins moved further to amend Mr. R. W. Thompson's amendment as amended by Mr. Morgan, by appropriating one third of the interest to the use of schools and two thirds to the payment of the principal and interest on loans; and,

On the question, shall the amendment be adopted?

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Chambers, Clark, Claypool, Cole, Colerick, Collins, Dunning, Elliott, Everts, Hackett, Hamilton, Hillis, Kennedy, Liston, Little, Sigler, Stafford, Thompson of L., Thompson of J., and Trask—23.

*Those who voted in the negative are,*

Messrs. Bell, Boon, Brady, Casey, Conwell, Crawford, Daily, Dobson, Dumont, Ewing, Fowler, Hoagland, Milroy, Mitchell, Morgan, Plummer, Puett, Smith, Stanford, Stewart, Turman, Thompson of P., Vawter and Walker—24

So the amendment was not so amended.

Mr. Sigler proposed further to amend Mr. Thompson's amendment to the instructions, so as to provide for the loaning of the money in the different counties in proportion to the number of taxable polls, should application be made in a reasonable time;

Which amendment was agreed to.

Mr. Daily moved further to amend Mr. Thompson's amendment to the instructions as follows, to-wit: "*Provided* that nothing in this act shall be so construed as to authorize said State bank or branches to draw any part of said fund, until the consent of said bank and branches is first given for at least three additional branches, two of which shall be located in the counties of Clark, Scott, Jackson, Rush, Franklin, Hendricks, and Decatur;"

Which was not agreed to.

Mr. Kennedy moved to amend Mr. Thompson of L.'s amendment to the instructions so that individuals could draw the specie from the banks, if so funded, should they prefer it;

Which was not agreed to.

Mr. Everts moved to amend Mr. Thompson of L.'s amendment so that no part of the fund could be drawn by the bank or branches, until the consent of of the said bank and branches be given for the establishment of at least three additional branches.

On motion of Mr. Milroy, the proposed instructions and amendments were laid on the table; and,

On motion,

The Senate adjourned.

FRIDAY, JANUARY 20, 1837

The Senate assembled.

On motion of Mr. Bell, the previous orders of the day were dispensed with, and the bill on the subject of the surplus revenue, was taken up, and

On motion of Mr. Morgan, the further consideration of it was postponed until Monday next.

On motion of Mr. Dunning, the previous orders of the day were further dispensed with, and the joint resolution entitled a joint resolution on the subject of pre-emption and pre-emption floats, was taken up, considered as engrossed, read a third time and passed.

Mr. Vawter from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills which originated in the House of Representatives, of the following titles, to wit:

No. 143—An act to prevent disasters on steam boats.

No. 147—A joint resolution directing the Secretary of State to furnish the county of Porter with ten copies of the revised laws of 1831.

No. 18—An act to provide for the survey of the East Fork Canal.

No. 167—An act for the benefit of Nancy Rosebury;

No. 142—An act to provide for the election of Justices of the Peace in the town of New Amsterdam in the county of Harrison, and Georgetown in the county of Floyd,

And find the same truly enrolled.

Mr. Elliott from the joint committee on enrolled bills, report, that they have compared the following enrolled with the engrossed bills, as follows, to wit:

No. 33—An act to appeal a part of the Crawfordsville, Covington, and Illinois rail road charter;

No. 64—An act for the relief of J. B. Richardsville and Francis Godfroy;

No. 76—A joint resolution in relation to Officers of State Bank and branches;

No. 95—An act supplemental to an act authorizing the Agent of State to make a deed to a certain lot of land adjoining Indianapolis, called brick yard lot No. 3, but which should be lot No. 1, to Wilks Reagan, approved, February 8, 1836.

No. 100—An act to provide for draining Lost creek in Vigo county;

No. 103—An act to increase the compensation of the Governor of the State, and other officers,

And find the same truly enrolled.

Mr. Liston introduced a petition signed by John T. Smith and others, praying for the incorporation of a company to construct a canal or rail road from South Bend to the junction of Potato and Pine creeks, with the Kankakee river; which was

On motion of Mr. Liston, referred to the committee on canals and internal improvements.

Mr. Crawford introduced the petition of sundry citizens of the counties of Elkhart and St. Joseph, asking for an appropriation to clear Bangango creek of obstructions; which was, on motion of the same gentleman, referred to a select committee.

*Ordered*, That Messrs. Crawford, Ewing and Liston, be the said committee.

Mr. Hoagland introduced the petition of John G. Warman, and other citizens of the county of Scott, praying a change in the mode of doing county business; which was

On motion of Mr. Hoagland, laid on the table.

Mr. Claypool introduced the petition of Samuel Harlan and others, praying for an appropriation to aid in the construction of a bridge across the West fork of White-water near Connersville; which was

On motion of Mr. Claypool, referred to the committee on roads.

The following message was received from the H. of Representatives:

**MR. PRESIDENT—**

I am directed by the House of Representatives to inform the Senate, that they have concurred in the amendments of the Senate to bills of the House, of the following titles, to wit:

No. 18—A bill to provide for the survey of the East Fork canal;

No. 142—A bill to provide for the election of a Justice of the Peace in New Amsterdam;

No. 79—A bill to incorporate the New Amsterdam Manufacturing company;

No. 143—A bill to prevent disasters on steam boats.

The House has also receded from their amendments to the amendment proposed by the Senate to bill No. 99, to incorporate the Williamsport, Warren county Bridge company.

The House of Representatives have passed an engrossed joint resolution of the Senate, entitled a joint resolution of the General Assembly of the State of Indiana, relative to the continuation of the Buffalo and Mississippi rail road, without amendment.

They have also passed engrossed bills of the House of Representatives, entitled as follows:

No. 156—An act to relocate a part of the state road from Vincennes to Carlisle in Sullivan county;

No. 163—An act to amend the act entitled an act for the regulation of the state prison.

In which bills of the House the concurrence of the Senate is requested.

The bill No. 156, of the House of Representatives, entitled an act to re-locate a part of the state road from Vincennes to Carlisle in Sullivan county, was read a first time, and

On motion of Mr. Boon, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

The bill No. 163, of the House of Representatives, entitled an act

to amend the act entitled an act for the regulation of the state prison, was read a first time, and

On motion of Mr. Daily, the rules of Senate were dispensed with, the bill read a second time, and referred to the committee on the state prison.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills of the House of Representatives, entitled as follows:

No. 82—An act to amend the act entitled an act to organize and regulate the militia of the State of Indiana, approved Feb. 10, 1831;

No. 152—An act appropriating so much of the 3 per cent. fund, as is now due to Green county;

No. 169—An act to preserve the fire engine at Indianapolis;

No. 171—An act to incorporate the Washington Hall company;

No. 173—An act to change the name of the town of Danville to that of Fayetteville;

No. 175—An act to declare certain roads therein named, state roads;

No. 179—An act declaring certain county roads therein named, state roads;

No. 180—An act for the formation of school districts in Shelby and Marion counties;

No. 202—An act to authorize Samuel Coleman of Fountain county to sell certain town lots in the town of Attica, and also to make certain conveyances of lots now sold;

No. 222—An act to incorporate the Clay county seminary;

No. 224—An act to revive the corporation of the town of Bowling-green, in Clay county;

In which bills and joint resolutions the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives, entitled as follows:

No. 4—An act repealing certain acts regulating the mode of doing county business in the county of Greene;

No. 18—An act to provide for a survey of the East Fork Canal,

No. 33—An act to repeal a part of the Crawfordsville, Covington, and Illinois Rail Road Company;

No. 45—An act to incorporate the Trustees of the Western University;

No. 64—An act for the relief of J. B. Richardsville and Godfroy;

No. 74—A joint resolution relative to officers of the State Bank and branches;

No. 85—An act to incorporate the Fort Wayne and Maumee Bridge Company;

No. 95—An act supplemental to an act authorizing the Agent of State to make a deed to a certain lot of land adjoining Indianapolis,

called brick yard lot No. 3, and which should be lot No. 1, to Wilks Reagan, approved Feb. 3, 1836.

No. 100—An act to provide for draining Lost creek in Vigo county.

No. 103—An act to increase the compensation of the Governor of the state and other officers.

No. 127—An act to revive and continue in force an act entitled an act to incorporate the town of Rome, in Perry county, approved Feb. 1, 1836;

No. 133—A joint resolution on the subject of the three per cent. fund;

No. 142—An act to provide for the election of justices of the peace in the towns of New Amsterdam in the county of Harrison, and Georgetown in the county of Floyd;

No. 143—An act to prevent disasters on steam boats;

No. 147—A joint resolution directing the secretary of State to furnish the county of Porter with ten copies of the revised laws of 1831;

No. 167—An act for the benefit of Nancy Roseberry;

No. 215—A preamble and joint resolution on the subject of erecting a bridge across the Kankakee river, in Porter and Newton counties;

And also an enrolled bill, and joint resolution of the Senate, entitled as follows:

No. 79—An act authorizing the commissioner of the Michigan road to correspond with the commissioner of the general land office, in order to have the title perfected to the State of Indiana to the Michigan road grant, and for other purposes; and

No. 31—A preamble, memorial, and joint resolution in relation to the improvement of the southern coast of lake Michigan;

I am directed to bring them to the Senate for the signature of the president thereof.

Bill No. 82 of the House of Representatives, entitled an act to amend the act entitled an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831, was read a first time, and

On motion of Mr. Brady,

The rules of the Senate were dispensed with, the bill read a second time and referred to the standing committee on military affairs.

Bill No. 152, entitled an act appropriating so much of the three per cent. fund as is now due to Greene county, was read a first time, and

On motion of Mr. Dobson,

The rules of the Senate were dispensed with, the bill read a second and third time and passed.

Bill No. 169 of the House of Representative entitled an act to preserve the fire engine at Indianapolis, was read a first time; and

On motion of Mr. Brady

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Clark, referred to the committee on public buildings.

Bill No. 171 of the House of Representatives entitled an act to In-



incorporate the Washington Hall Company, was read a first time, and

On motion, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

Bill No. 175 of the House of Representatives entitled an act to declare certain roads therein named state roads, was read a first time, and,

On motion of Mr. Hillis,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Stewart,

The rules were further dispensed with, the bill read a third time, and passed.

The bill No. 173, of the House of Representatives, entitled an act to change the name of the town of Danville to that of Fayetteville, was read a first time; and

On motion of Mr. Clark,

The rules of the Senate were dispensed with, the bill read a second and third times and passed.

The bill No. 179, of the House of Representatives, entitled an act declaring certain county roads therein named state roads, was read a first time; and

On motion of Mr. Clark,

The rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Dobson,

The rules were further dispensed with, the bill read a third time and passed.

Bill No. 180, of the House of Representatives, entitled an act for the formation of school districts in Shelby and Marion counties, was read a first time; and

On motion of Mr. Brady,

The rules of the Senate were dispensed with, the bill read a second time and referred to the standing committee on education.

Bill No. 202 of the House of Representatives, entitled an act to authorize Samuel Coleman of Fountain county to sell certain town lots in the town of Attica, and also to make certain conveyances of lots now sold, was read a first time; and

On motion of Mr. Hamilton,

The rules of the Senate were dispensed with, the bill read a second time and referred to the judiciary committee.

Bill No. 222 of the House of Representatives, entitled an act to incorporate the Clay county seminary, was read a first time; and

On motion of Mr. Boon,

The rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

Bill No. 224 of the House of Representatives, entitled an act to revive the corporation of the town of Bowlinggreen in Clay county, was read a first time; and

On motion of Mr. Boon,

The rules of the Senate were dispensed with, the bill read a second and third times and passed.

The President having signed the engrossed bills in the message mentioned, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements, to whom was referred an engrossed bill from the House of Representatives, No. 170 entitled an act amendatory of an act to provide for a general system of internal improvement, approved January 27, 1836, have considered the provisions of said bill, and have directed me to report an amendment thereto, which the concurrence of the Senate is requested.

The amendments to the bill in the message mentioned, were concurred in.

Mr. Smith moved to amend the bill by striking out the second section; pending which,

On motion the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Vawter from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills, report, that they did on this day present to His Excellency the Governor, for his approval and signature, bills and joint resolutions of the following titles, that originated in the House of Representatives, viz:

No. 4—An act repealing certain acts regulating the mode of doing county business in the county of Greene;

No. 18—An act to provide for the survey of the East fork canal;

No. 33—An act to repeal a part of the Crawfordsville, Covington and Illinois rail road charter;

No. 45—An act to incorporate the Western University;

No. 64—An act for the relief of J. B. Richardsville and F. Godfroy;

No. 76—A joint resolution relative to the officers of the state bank and branches;

No. 85—An act to incorporate the Fort Wayne and Maumee bridge company;

No. 95—An act supplemental to an act authorizing the agent of state to make a deed to a certain lot of land adjoining Indianapolis, called brick yard lot No. 3, but which should be lot No. 1, to Wilks Reagan, approved Feb. 8, 1836.

No. 100—An act to provide for draining Lost creek in Vigo county;  
 No. 103—An act to increase the compensation of the Governor of the state and other officers;

No. 127—An act to revive and continue in force an act entitled an act to incorporate the town of Rome, in Perry county, approved Feb. 1, 1836.

No. 132—A joint resolution on the subject of the 3 per cent. fund.

No. 142—An act to provide for the election of justices of the peace in the town of New Amsterdam in the county of Harrison, and Georgetown in the county of Floyd;

No. 143—An act to prevent disasters on steam borts;

No. 147—A joint resolution directing the Secretary of State to furnish the county of Porter with ten copies of the revised laws of 1831;

No. 167—An act for the benefit of Nancy Roseberry;

No. 215—A preamble and joint resolution on the subject of erecting a bridge across the Kankakee river in Porter and Newton counties.

Also bills that originated in the Senate, of the following titles, viz:

No. 79—An act authorizing the commissioner of the Michigan road to correspond with the commissioner of the General land office in order to have the title perfected to the state of Indiana, to the Michigan road grants, and for other purposes;

No. 81—A preamble, memorial and joint resolution in relation to the improvement of the southern coast of Lake Michigan.

Mr. Vawter made the following report:

The joint committee on enrolled bills, report that they have compared a joint resolution that originated in the Senate, entitled

A joint resolution of the General Assembly of the State of Indiana relative to the continuation of the Buffalo and Mississippi rail road, with the engrossed;

And find the same truly enrolled.

Mr. Elliott made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Joseph Wilson and others, praying the location of a state road from Cambridge in Wayne county to Fort Wayne, have had the same under consideration and have directed me to report the following bill:

The bill in the report mentioned, was read a first time, and

On motion, the rules of the Senate were dispensed with, the bill read a second and 3d time and passed.

Mr. Conwell made the following report:

Mr. PRESIDENT—

The select committee to which was referred a petition of sundry citizens praying for commissioners to make the necessary alterations in the State roads angling through the town of Laurel, have had the same under consideration, and have directed me to report the following bill.

The bill was read a first time; and,

On motion of Mr. Daily, the rules of the Senate were dispensed with, the bill read a second time; and,

On motion of Mr. Clark, the rules were further dispensed with, the bill read a third time and passed.

On leave granted, Mr. Ewing introduced a bill entitled an act supplemental to an act entitled an act authorizing the commissioner of the Michigan road to correspond with the commissioner of the General Land Office, in order to have the title perfected to the State of Indiana to the Michigan road grant, and for other purposes, approved, Jan. 20, 1837.

Mr. Clark moved to amend the bill by striking out the last section; Which was agreed to, and,

On motion of Mr. Liston, referred to a select committee.

Ordered, That Messrs. Ewing, Liston, and Cole be the said committee.

Mr. Milroy proposed for adoption the following resolution:

*Resolved by the Senate*, That the President of the State Bank be requested to communicate to the Senate the amount allowed the late and present Canal Fund Commissioners for their services in negotiating the first, second, and third loans for the state bank—the number of days charged by each, and the expenses charged by each, together with the time or date when such services were rendered—and a reference to the law or laws authorizing compensation to the Fund Commissioners. *Resolved*, further, That a like statement be required from the Board of internal improvement relative to the compensation allowed the Canal Fund Commissioners for services rendered in negotiating loans for internal improvement, with like specifications; and that the secretary of the Senate be directed to communicate a copy of the foregoing resolutions to the president of the state bank, and also to the board of internal improvement.

Mr. Smith proposed to amend Mr. Milroy's resolution by adding the following:

“And that the board of internal improvement be directed to lay before the Senate at as early a day of the present session as possible, a full statement of the salaries and pay allowed each, and the number of persons as engineers and assistants, in the service of the board of internal improvement, as authorized by law; with an aggregate amount of salaries, and the separate salary paid to each person, together with the per diem allowance paid to those in the employ of the board who do not receive a fixed salary; also the full amount of contingencies paid to all such persons in the employ of the board of internal improvement.”

Which was agreed to, and the resolution as amended adopted.

Mr. Moore made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition of M. Murphy and others praying for the location of a certain state road therein named, have had the same under consideration, and have directed me to report the following bill, viz:

A bill to establish a certain state road therein named.

The bill was read a first time; and

On motion, the rules were dispensed with, the bill read a second and third times and passed.

On leave granted, Mr. Collins introduced a bill entitled an act to incorporate the New Albany Hotel company, which was read a first time, and

On motion of Mr. Collins, the rules of the Senate were dispensed with, the bill read a second time, and referred to the judiciary committee.

On motion of Mr. Thompson of P., the previous orders of the day were suspended, and a bill to establish a certain state road in the counties of Perry, Crawford, and Orange, taken up.

On motion of Mr. Morgan the Senate insisted on their amendment and,

On motion of Mr. Thompson of P., a committee of free conference was appointed on the part of the Senate.

Ordered, That Mr. Thompson of P., and Stewart be the said committee.

On motion of Mr. Dumont, the Senate resolved itself into a committee of the whole on the bill incorporating congressional townships, and providing for public schools therein; Mr. Stanford in the chair.

On motion, the committee arose, and Mr. Stanford made the following report:

Mr. PRESIDENT—

The committee of the whole to whom was referred the bill incorporating congressional townships and providing for public schools therein, have had the same under consideration, but not having had time to complete it, have instructed me to report progress, and ask leave to sit again.

Ordered, That the committee have leave.

On motion,

The Senate adjourned.

SATURDAY, JANUARY 21, 1837.

The Senate assembled.

The following message was received from the Governor, by Mr. Maguire, his private secretary.

Mr. PRESIDENT—

The Governor has approved and signed acts entitled as follows, viz:

An act, No. 79, which originated in the Senate, entitled An act authorizing the commissioner of the Michigan road to correspond with the Commissioner of the General Land Office in order to have the title perfected to the state of Indiana to the Michigan Road Grant, and for other purposes; and

An act, No. 64, which originated in the H. of Representatives, entitled An act for the relief of J. B. Richardsville and F. Godfroy.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representative have concurred in the resolution of the Senate fixing on the 30th instant, as the time for adjournment *sine die*, with an amendment, by striking out 30th instant, and inserting in lieu thereof "the 6th of February next," in which amendment the concurrence of the Senate is requested.

On motion of Mr. Brady the amendment to the resolution in the message mentioned was concurred in by the Senate.

Mr. Stewart introduced a petition signed by sundry individuals, citizens of Pike county, praying for the passage of an act authorizing Richard M. Kirk to increase the height of a mill dam across Patoka river, which was,

On motion of Mr. Stewart referred to a select committee.

Ordered, That Messrs. Stewart, Casey, and Thompson of P., be the said committee.

Mr. Thompson of L., introduced a petition signed by sundry citizens of Lawrence, Orange, and Washington counties, praying for an act to be passed authorizing certain individuals to construct a dam across the East branch of White river, at or near Fishing creek; which was,

On motion of Mr. Thompson, referred to a select committee of Messrs. Thompson, Hackett and Chambers.

Mr. Brady introduced a petition signed by Jeremiah S. Day and others, praying for the re-location of a certain state road therein named; which was,

On motion of Mr. Brady, referred to a select committee;

Ordered, That Messrs. Brady, Cole, and Casey be said committee.

On motion of Mr. Dumont, the Senate resolved itself into a committee of the whole on the bill incorporating congressional townships and providing for public schools therein, Mr. Stanford in the chair, the previous orders of the day having been dispensed with.

After having transacted some business,

On motion, the committee arose, and Mr. Stanford made the following report:

MR. PRESIDENT—

The committee of the whole to whom was referred the bill incorporating congressional townships and providing for public schools therein, have had the same under consideration, but not having completed it, they have instructed me to report progress and ask leave to sit again;

*Ordered*, That the committee have leave, and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The Senate resumed in committee of the whole, the consideration of the bill to incorporate congressional townships and to provide for public schools therein.

After having transacted some business,

On motion, the committee arose, and Mr. Stanford made the following report:

MR. PRESIDENT—

The committee of the whole to whom was referred the Bill incorporating congressional townships and providing for public schools therein, have had the same under consideration, made sundry amendments, in which they have instructed me to ask the concurrence of the Senate, and that the committee be discharged from any further consideration thereof.

The committee were discharged, and the amendments severally concurred in, except the following:

*Chapter      Boards of Education and Boards of Examiners.*

SEC. 1. There shall be appointed by joint resolution of the General Assembly each year a Board of Education to consist of one person residing within each judicial circuit of the state.

SEC. 2. It shall be the duty of each member of the board of education to visit each county in his circuit at least once in each year, to appoint in each county annually, three suitable persons to be styled "the Board of Examiners" of      county, and give to each of them a certificate of his appointment, each of which examiners shall serve for one year and until his successor is appointed and qualified.

SEC. 3. Each member of the board of education shall, as far is convenient, visit schools and seminaries in his circuit, make addresses to

children and parents, give notices when convenient of any intended visit and recommend the books and the course of studies proper to be used in schools: *Provided, however*, that no member of the state board shall be allowed to pursue a course in the selection of books, or by advice or address, that shall be calculated to give any particular direction to the minds of children upon the subject of religion.

SEC. 4. The board of education shall meet yearly at Indianapolis, on the second Monday in December, and appoint a President, Secretary and Corresponding Secretary, from their own body.

SEC. 5. The board of education shall make an annual report to the legislature, containing an abstract of all the reports received from individual members of the board, and from the boards of examiners, and recommend to the legislature such amendments in the laws relative to education as they may deem conducive to the public good.

SEC. 6. The board of education by their corresponding secretary shall open correspondences for the purpose of obtaining information from abroad relative to improvements in the modes of public instruction. And the auditor shall audit, and the treasurer shall pay the accounts of the board for postage paid: *Provided*, that not more than thirty dollars shall be paid for postage in any one year.

SEC. 7. It shall be the duty of each member of the board of examiners to take an oath faithfully to discharge the duties of his office.

SEC. 8. Such examiners shall separately or collectively examine applicants to be teachers, and give to each a certificate under hand and seal of the branches of learning each applicant is well qualified to teach: and no person shall be employed to teach in a district school, unless he or she have the certificate of at least two of the examiners that such person is qualified to teach correctly, reading, writing, and arithmetic, nor unless the trustees are satisfied that such person has a good moral character.

SEC. 9. After the expiration of three years from the approval of this act, no district that has been organized three years, shall draw money out of the district treasury for the payment of a teacher, unless the teacher shall have procured a certificate from two of the examiners of the county, that he or she is well qualified to teach reading, writing, arithmetic, English grammar, and geography.

SEC. 10. Nothing in this act shall be so construed as to take from the district trustees the right of selecting teachers from among those who have certificates, or to prevent the Board of Trustees from rejecting any recommendations given them by the Board of Education or the Board of Examiners.

SEC. 11. One of such Examiners at least, shall visit each district school, at least once in each quarter that a school is taught, as near the close of the quarter as is convenient, of which visits notice shall be given to the teacher or to the trustees, and examine into the proficiency of the scholars in their studies, the manner and mode of teaching, the qualifications of the teacher, and make addresses to the children and parents that may be assembled, on the importance of education.

SEC. 12. For the purposes of convenience and lessening the expense



the Board of Examiners of each county may divide the county into three visitorial districts, one of which shall be under the special care of each examiner.

SEC. 13. Each member of the Board of Examiners, shall be exempt from a poll tax, personal labor on roads, military duty, and serving on juries; and in addition, may be allowed by the Board doing county business, any further compensation that to them may seem equitable and just. to be paid out of the county treasury.

SEC. 14. Each member of the Board of Education shall receive an annual salary of two hundred and fifty dollars to be paid quarterly out of the State Treasury.

SEC. 15. It shall be the duty of the Board of Examiners of each county to meet at the county seat on the third Monday in November in each year, and make out a list of the number of district schools in the county, the number of quarters a school has been taught in each within the preceding year, the number of children that have been taught in each, the number of children between the ages of five and twenty-one years in each township and district that have not attended school within the year, the qualification of teachers generally, the general state of learning and instruction within the county, and forward a copy of such list to the Board of Education at Indianapolis, on or before the second Monday of December. And they shall suggest to the Board of Education, any amendments that they may deem advisable in the School laws.

SEC. 16. Such Board of Examiners shall keep minutes of the names, behavior, and improvement of promising boys, and they shall as often as a vacancy occurs in the State College, of a free student, as provided in the act approved February 1, 1834, and the act amendatory thereof, agree upon the boy that they will recommend to fill such vacancy; and they, instead of the Board doing county business, shall give to such boy a certificate under their hands, and seals, signed by at least two of the Board, which certificate shall be evidence to said institution of said boy's right to enter said college.

And, on the question, shall the aforesaid amendment be adopted?

*Those who voted in the affirmative are,*

Messrs. Cole, Crawford, Dobson, Dumont, Everts, Ewing, Hoagland, Mitchell, Plummer, Puett, Smith, Stewart, Trask, & Walker—15

*And those who voted in the negative are,*

Messrs. Beard, Boon, Bradberry, Brady, Chambers, Clark, Claypool, Colerick, Collins, Conwell, Elliott, Fowler, Hackett, Hamilton, Hillis, Little, Milroy, Moore, Morgan, Sigler, Stafford, Stanford, Turman, Thompson of P., Thompson of L., Thompson of J., and Vawter—27.

So the amendment was not agreed to.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
Indianapolis, Jan. 21, 1837. }

SIR—

The name of Daniel Yandes is offered for the advice and consent of the Senate, to fill the vacancy in the Board of Internal Improvement, occasioned by the resignation of David Burr.

Respectfully,

N. NOBLE.

DAVID WALLACE,  
President of the Senate.

On motion, the message was laid on the table.

On motion, the bill under consideration at the adjournment on yesterday, entitled an act amendatory of an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836, was laid on the table.

Mr. Clark, from the committee on canals and internal improvements, made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a resolution of the Senate, instructing them to fix by law the salaries of the Principal and Resident Engineers, have directed me to report to the Senate the following bill, entitled a bill limiting the salaries of the Engineers employed in the service of the State of Indiana.

The bill was read a first time and passed to a second reading.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a resolution of the Senate instructing them to inquire into the expediency of authorizing the board of internal improvement to construct the locks in the canals of this state of a width sufficient to admit the passage of flat boats, such as are used in the salt, coal, and New Orleans trade: and also to inquire into the expediency of authorizing the said board to construct M'Adamized roads on the borders of the canals, and fix toll gates where they may deem it a profitable investment for the state, have considered the several propositions, and in relation to the second and last, they have instructed me to report that in their opinion legislation in reference thereto is inexpedient. And with regard to the first subject stated in the resolution, they have directed me to report herewith a bill entitled a bill in relation to the locks in the canals authorized to be constructed by the state of Indiana.

The bill was read a first time and passed to a second reading.

Mr. Claypool made the following report:

Mr. PRESIDENT—

The joint committee on public buildings to whom was referred a report from the Treasurer of State, making a statement in detail of the expenses in grading and fencing the state house square; and, also, the cost of carpeting, desks, and other furniture of the state house, have had the subject under consideration, examined the vouchers presented by the treasurer to the committee, find them all receipted and amounting to \$5,644 62, and the committee have directed me to recommend the adoption of the following resolution:

*Resolved*, That N. B. Palmer be allowed in the specific appropriation bill five thousand six hundred forty-four dollars and sixty-two and a half cents, for money expended by him in grading and fencing the state house square, and furniture for the state house.

The committee ask to be discharged from the further consideration of the subject.

On motion, the report was laid on the table.

Mr. Collins made the following report:

Mr. PRESIDENT—

The committee on the State Bank to whom was referred a bill of the Senate entitled a bill to provide for an additional branch of the State Bank, have according to order had the same under consideration, and have directed me to report the same back to the Senate and recommend the following amendment:

Strike the bill out from its enacting clause and insert the following in lieu thereof—to ask the concurrence of the Senate therein, and ask to be discharged from the further consideration thereof.

A                   to provide for the location of two additional branches of the State Bank of Indiana.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is hereby made the duty of the president and directors of the State Bank of Indiana to locate two additional branches of said bank, to be numbered 14 and 15, according to the time of organization; one to be located within the district of country composed of the counties of Clark, Jackson and Scott, to be determined by the said president and directors of the state bank, having due regard to the most commercial point within said district; and one other branch to be located within the district of country composed of the counties of Rush, Franklin, Hancock, Shelby, and Decatur, at such point as they may deem expedient; and like proceedings shall be had in organizing said branches as are by law required and prescribed for organizing the other branches of said state bank; and the state stock in such additional branches shall be obtained in the same manner, and paid over under the same regulations and restrictions as are provided for the other branches; which said additional branches, when organized, shall have, possess, and en-

joy all the rights and privileges and be subject to the same liabilities and restrictions as are granted and imposed on the branches of said bank already organized.

SEC. 2. This act shall take effect, and be in force, as soon as the consent of the president and directors of the state bank, and the president and directors of each one of the organized branches thereof shall be obtained, and evidence thereof be filed in the office of the secretary of State.

Mr. Hamilton moved to amend the amendment of the committee as follows:

And there is hereby located one other branch of said bank to be established by the said board of directors of the State bank within the district of country composed of the counties of Fountain, Vermillion, and Warren, to be numbered branch No. sixteen, and to be regulated in all respects as is herein before provided for the location of the two branches in the first section of the bill mentioned.

Which was agreed to.

Mr. Vawter moved further to amend as follows:

That the president and directors of the state bank be authorized to locate one other additional branch in the counties composed of Brown, Bartholomew, and Jennings;

Which was agreed to.

On motion of Mr. Kennedy, the proposed amendment was amended as follows:

And there is hereby authorized to be located one other branch of said bank, to be established by the board of directors of the state bank within the district of country composed of the counties of Delaware, Randolph, Henry, and Grant; to be numbered branch No. eighteen, and to be regulated in all respects as is herein before provided for the location of the two branches first named in this act.

On motion of Mr. Ewing, the amendment was further amended as follows:

*Provided*, That nothing herein contained shall be so construed as that either of said branches, numbered 14, 15, 16, 17, and 18, shall take precedence over the 13th branch, provided for by an act of the General Assembly of the State of Indiana, approved, Feb. 8, 1836.

On motion of Mr. Daily, the bill and proposed amendments were laid on the table.

Mr. Collins made the following report:

MR. PRESIDENT—

The committee on the state bank to whom was referred a bill of the Senate to establish a branch of the state bank within the district of country composed of the counties of Clark, Jackson, and Scott, have, according to order, had the same under consideration, and directed me to report the same back to the Senate; and inasmuch as the same matter is before the Senate, recommend that the said bill be laid on the table, and ask to be discharged from the further consideration of the subject matter thereof.

The report was concurred in.

Mr. Boone made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred the bill to incorporate the Clay county seminary trustees, have had the same under consideration, and have instructed me to report it to the Senate without amendment:

The bill in the report mentioned was read a third time and passed.

Mr. Milroy made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill to ratify and confirm an act of the Ohio Legislature, incorporating a company to construct a rail road from Piqua, in the state of Ohio, to Fort Wayne in the state of Indiana, according to order, have had the same under consideration, and have directed me to report the same to the Senate without amendment, and to request to be discharged from the further consideration of the bill.

The committee were discharged, and the bill considered as engrossed, read a third time and passed.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred a bill of the House, No. 234, a bill to incorporate the New Albany Guards, have had the same under consideration, and have directed me to report the same back to the Senate without amendment.

On motion of Mr. Morgan, the bill was referred to the committee on military affairs.

Mr. Colerick made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred the bill of the House, numbered 149, to incorporate the town of Bloomfield, have had the same under consideration, and directed me to report the bill back with two amendments, and ask the concurrence of the Senate therein, and be discharged from the further consideration thereof.

The amendments were concurred in; and,

On motion, considered as engrossed, read a third time and passed.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred a bill of the Senate entitled a bill to incorporate the Liverpool bridge company,

have examined it, and instructed me to report it with one amendment, to which the concurrence of the Senate is asked.

The amendment was concurred in; and

On motion, considered as engrossed, the bill read a third time and passed.

Mr. Colerick made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred the bill of the House supplemental to an act to enable the school commissioners of the several counties of this state to correct the returns of the collectors, approved, Feb. 1, 1836, have had the same under consideration, and directed me to report the said bill back to the Senate without amendment, and be discharged from the further consideration thereof.

Committee were discharged, and the bill re-committed to the education committee.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred a petition of a number of the citizens of Crawford county praying for the passage of an act to incorporate the Crawford county Blue river bridge company, have duly considered the same, and has instructed me to report the following bill, not exactly as petitioned for, inasmuch as it is too unreasonable in part.

The bill in the report mentioned was read a first time, and

On motion, the rules were dispensed with, the bill read a second time; and

On motion, the rules were further dispensed with, the bill considered as engrossed, read a third time and passed.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred a bill of the Senate to incorporate the town of Laporte, have examined it, & made one amendment, to which, if the Senate will have the bill read, it will concur, that is, strike it out from the enacting clause.

On motion, the bill was re-committed to a select committee of Messrs. Everts, Liston, and Colerick.

Mr. Ewing made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill supplemental to an act entitled an act authorizing the commissioner of the Michigan Road to correspond with the commissioner of the general land office,

in order to have the title perfected to the State of Indiana to the Michigan road grant and for other purposes, approved, January 20, 1837, have directed me to report the bill back with sundry amendments, in which the concurrence of the Senate is requested.

The amendments were concurred in; and

On motion, considered as engrossed, read a third time and passed, and,

On motion,

The Senate adjourned.

MONDAY, JANUARY 23, 1837.

The Senate assembled.

The following message was received from the Governor, by Mr. Maguire, his private Secretary:

Mr. PRESIDENT—

The Governor has approved and signed joint resolutions which originated in the Senate, entitled as follows:

A joint resolution of the General Assembly of the State of Indiana, relative to the continuation of the Buffalo and Mississippi rail road;

No. 31—A preamble, memorial, and joint resolution in relation to the improvement of the southern coast of lake Michigan;

He has also approved and signed acts and joint resolutions which originated in the House of Representatives, entitled as follows:

No. 45—An act to incorporate the Trustees of the Western University;

No. 95—An act supplemental to an act authorizing the Agent of State to make a deed to a certain lot of land adjoining Indianapolis, called brick yard lot No. 3, but which should be lot No. 1, to Wilks Reagan, approved Feb. 8, 1836.

No. 85—An act to incorporate the Fort Wayne and Maumee Bridge Company;

No. 100—An act to provide for draining Lost creek in Vigo county.

No. 142—An act to provide for the election of justices of the peace in the towns of New Amsterdam in the county of Harrison, and Georgetown in the county of Floyd;

No. 143—An act to prevent disasters on steam boats;

No. 127—An act to revive and continue in force an act entitled an act to incorporate the town of Rome, in Perry county, approved Feb. 1, 1836;

No. 18—An act to provide for a survey of the East Fork Canal,

No. 103—An act to increase the compensation of the Governor of the State, and other officers,

No. 167—An act for the benefit of Nancy Roseberry;

No. 33—An act to repeal a part of the Crawfordsville, Covington and Illinois rail road charter;

No. 4—An act repealing certain acts regulating the mode of doing county business in the county of Greene;

No. 132—A joint resolution on the subject of the three per cent. fund;

No. 147—A joint resolution directing the secretary of State to furnish the county of Porter with ten copies of the revised laws of 1831;

No. 215—A preamble and joint resolution on the subject of erecting a bridge across the Kankakee river, in Porter and Newton counties;

Mr. Elliott made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills, report, that they did on this day present to His Excellency the Governor, for his approval and signature, the following joint resolution which originated in the Senate:

A joint resolution of the General Assembly of the State of Indiana, relative to the continuation of the Buffalo and Mississippi rail road.

Mr. Vawter made the following report:

The joint committee on enrolled bills, report, that they have compared enrolled bills of the following titles that originated in the Senate, viz:

No. 34—An act to authorize the commissioner of the reserve townships of seminary land to sell certain land therein named;

No. 23—An act amendatory of an act entitled an act to regulate the mode of doing county business in the several counties in this state, approved Jan. 19, 1831;

No. 24—An act to amend the ninth section of an act entitled an act relative to crimes and punishments, approved Feb. 10, 1831;

An act to amend an act organizing circuit courts and defining their powers and duties;

An act to change the name of Fullerton in Parke county to Lodi;

An act supplemental to an act providing for the division of the eighth and formation of the ninth judicial circuit, and for other purposes, approved Dec. 9, 1836;

Also a joint resolution relative to constructing two harbors on Lake Michigan, with the engrossed;

And find the same truly enrolled.

Mr. Thompson of L. made the following report:



Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 202, entitled a bill to authorize Samuel Coleman of Fountain county to sell certain lots in the town of Attica, and also to make certain conveyances of lots now sold, have after considering the same, directed me to report it back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged and the bill read a third time and passed.

Mr. Thompson of L. made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the Senate, entitled a bill to provide that recorders shall furnish the clerks of the circuit courts with a list of all lots and tracts of land for which deeds have been by them recorded, have directed me to report the same back to the Senate, and recommend the following amendments thereto.

1st. Insert after the word "deeds" in the 7th line, the words "of absolute conveyance."

2d. Fill the blank in the 13th line with "twelve and a half cents."

Ordered, That the report and bill be laid on the table.

Mr. Thompson of L. made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred an engrossed bill, No. 65 of the House of Representatives, entitled a bill to amend an act entitled an act for the appointment of county surveyors and their deputies, have had the same under consideration and have directed me to report it back to the Senate and recommend its indefinite postponement.

The report was concurred in.

Mr. Kennedy made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the bill to incorporate the New Albany hotel company, have had the same under consideration and have directed me to report it back to the Senate with the following amendments, and ask the concurrence of the Senate therein:

1st. After the word aforesaid in the 4th line section 8 insert, a majority of whom shall constitute a quorum for the transaction of business

2d. After the 9th section add the following:

*Provided*, That if within sixty days after the forfeiture of said stock, the said stockholder shall pay the amount which may have been required of him, together with interest and all costs which may have accrued by reason of such forfeiture, then and in that case he shall be again reinstated to all his rights in said stock.

3d. Add the following as an additional section.

SEC. That the corporation property both real and personal, together with the private property of each stockholder, shall be and the same is hereby declared to be liable for all debts, dues and demands against said corporation which were created during the time such person was a stockholder.

The amendments were concurred in, considered as engrossed, the bill read a third time and passed.

Mr. Morgan made the following report:

Mr. PRESIDENT—

The committee on Military affairs to whom was referred an engrossed bill from the House of Representatives, entitled an act to amend the act entitled an act to organize and regulate the militia of the state of Indiana, approved Feb. 10, 1831, have had the same under consideration and have amended the same as follows, to-wit:

1st. Strike out the seventeenth section.

2d. After the word list in the 6th line of the 18th section insert who are under the age of 30 years. In the same line after the word 11, strike out and 17th.

3d. After the word Porter in the 7th line from the bottom in the 20th section, insert Lake.

4th. In the second line from the bottom of the 20th section, strike out division and insert brigade.

In which amendments the concurrence of the Senate is requested.

The amendments were concurred in, and

On motion of Mr. Elliott, the bill was laid on the table.

Mr. Morgan made the following report:

Mr. PRESIDENT—

The committee on military affairs to whom was referred an engrossed bill of the House, entitled an act to incorporate the New Albany Guards, have had the same under consideration, and a majority of the committee have directed me to report that they have amended the same by striking it out from the enacting clause; in which amendment the concurrence of the Senate is requested.

On motion of Mr. Collins, the bill in the report mentioned, was amended as follows, to-wit:

SEC. That nothing in this act contained shall be construed to exempt said company from subordination in all respects to the militia

law of this state, when the regiment within the boundary of which such county is situated shall regularly organize and perform duty according to the laws of the state.

The report was not concurred in, and

On motion, the amendment was considered as engrossed, the bill read a third time and passed.

Mr. Dobson introduced a petition signed by sundry individuals, praying that Bloomfield be made a point in the Cross cut and Central canal, which was,

On motion of same gentleman, laid on the table.

Mr. Vawter introduced a petition for the relief of M. Thorpe, which was,

On motion of Mr. Vawter, referred to the standing committee on education.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of directing the board of public works to cause a survey, estimate and location of a McAdamized turnpike road from Mauksport in Harrison county to Salem in Washington county, have considered the subject and have directed me to report herewith,

A bill to authorize a survey of a road from Mauksport in Harrison county, through Corydon to Salem in Washington county.

The bill in the report mentioned, was read a first time and passed to a second reading.

Mr. Clark made the following report:

MR. PRESIDENT--

The committee on canals and internal improvements, who by a resolution of the Senate, were instructed to inquire into the expediency of causing to be made a survey in continuation of the northern or Michigan canal from the mouth of Salt creek or some other suitable point westward by way of the northern grand Calumet river to the state line, with a view to a connection with the Illinois canal, have considered the subject and directed me to report a bill, entitled

A bill to authorize a survey in continuation of the Erie and Michigan canal.

The bill was read a first time and passed to a second reading.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a resolution of the Senate instructing them to inquire into the

expediency of authorizing the board of internal improvement to cause a survey and estimate of a rail road to be made from Rushville to Cambridge City, being the point where the National road intersects the White Water canal, have considered the subject and have directed me to report a bill entitled A bill to authorize the survey of a rail road from Rushville to Cambridge City.

The bill was read a first time and passed to a second reading.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill to authorize a survey of a rail road from Lafayette to Michigan City, have directed me to report the same to the Senate without amendment.

On motion the bill in the report mentioned was laid on the table.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred the petition of Morgan Shortridge and others praying that a company be incorporated to build a bridge across the Wabash river at Lafayette, have in pursuance of the prayer of said petitioners instructed me to report herewith a bill entitled a bill to incorporate the Wabash and Lafayette Bridge company.

The bill in the report mentioned was read a first time; and

On motion of Mr. Clark the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT

The committee on corporations to whom was referred a bill of the Senate entitled An act to amend an act entitled an act to incorporate the Perrysville and Danville rail road company have instructed me to report it back to the Senate without amendment.

On motion, the bill was considered as engrossed, read a third time and passed.

Mr. Everts made the following report:

MR. PRESIDENT—

The select committee to which was referred the petition of Jared Chapman and others praying for a state road in Laporte county, have had the same under consideration and have instructed me to report the following bill:

The bill in the message mentioned was read a first time, and

On motion of Mr. Everts the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Mr. Dumont made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of sundry citizens of Switzerland county praying a charter for a turnpike road from Patriot to intersect the Vevay and Napoleon turnpike have instructed me to report a bill.

The bill in the report mentioned was read a first time, and

On motion of Mr. Dumont, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

Mr. Thompson of P. made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of a number of citizens of the counties of Perry and Dubois, praying for an amendment of an act entitled an act to establish a state road from Rome, in Perry county, to Jasper in Dubois county; approved, February 1st, 1835, have instructed me to report the following bill:

The bill in the report mentioned was read a first time, and

On motion of Mr. Thompson of P., the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Mr. Kennedy made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition of Isaac F. Wood and others, praying the construction of a turnpike road from Richmond by the way of Spartansburgh in Randolph county, to Fort Wayne, have had the same under consideration, and now report,

That they have given a careful examination to the subject embraced in the said petition, and now present the following views as the result of their deliberations. There is perhaps no portion of the people of Indiana, who possess stronger claims to the patronage of the State, in her expenditures for internal improvements, than those living in the vicinity of the road proposed in the said petition. The whole eastern and northern part of Wayne county, comprising the largest portion of the population and wealth of that important county, the entire county of Randolph, and the country between that and Fort Wayne, are not only destitute of any appropriations for purposes of internal improvements, but are so situated with reference to the works now in progress, that they can derive no advantage from them commensurate with the burdens which must be imposed upon them to aid in their construction.

Your committee, however, is fully sensible that the system, in the prosecution of which the State is now engaged, and for the completion of which she has plighted her faith, is one of immense magnitude for the resources of the State, and can only be completed, without great embarrassment, by a firm, consistent, and economical course of legisla-

tion. Your committee therefore cannot at this time, consistently with the interests of the State recommend the extension of the system by the construction of new works.

The time, however, cannot be far distant, when it will be the interest and policy of the State to listen to the just claims of those portions of the State now unprovided for, and your committee believes that the work proposed in the petition referred to them will then receive the early attention of the Legislature; they are, however, of opinion that legislation upon that subject, is at this time, inexpedient, and they ask to be discharged from the further consideration of the same.

The report was laid on the table.

Mr. Ewing made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition of sundry canal contractors on that part of the Wabash and Erie canal between Fort Wayne and Lafountaine's creek; and also sundry other petitions of the citizens of Carroll, Cass, Miami, Wabash, Huntington, and Allen counties, on the same subject, have had the same under consideration, and have directed me to report the following bill.

The bill was read a first time and passed to a second reading.

Mr. Chambers made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of sundry citizens of Orange county, together with the remonstrance of sundry other citizens of the same county, on the subject of removing obstructions to the navigation of Lost river and Lick creek, in said county, have according to order, had the same under consideration, and have instructed me to report, that in their opinion, it is inexpedient to legislate on the subject at this time, and ask to be discharged from the further consideration of the subject.

*Ordered,* That the committee be discharged.

Mr. Clark made the following report:

Mr. PRESIDENT—

The select committee to whom was referred an engrossed bill No. 116, from the House of Representatives, entitled an act to regulate the jurisdiction of justices of the peace in the counties of Tippecanoe, Orange, and Warren, have considered said bill, and have directed me to report the same to the Senate with sundry amendments thereto,

In which the concurrence of the Senate is requested.

The amendments were concurred in, and

On motion of Mr. Clark, considered as engrossed, the bill read a third time and passed.

Mr. Brady made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Jeremiah S. Day & others, praying the re-location of a part of the state road leading from Indianapolis to Miamisport via Westfield in Hamilton county, have according to order had the same under consideration, and have directed me to report a bill in pursuance to the object of said petitioners.

The bill was read a first time, and on motion of Mr. Brady, the rules of the Senate were dispensed with, the bill read a second and third time, and passed.

Mr. Casey made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill to locate a state road therein named, have had the same under consideration, and have instructed me to report it back with one amendment, by adding one additional section.

The amendment to the bill in the report mentioned, was concurred in, and on motion, the bill was considered as engrossed, read a third time and passed.

On motion of Mr. Thompson of P.,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the act entitled an act to organize Probate courts and defining the powers and duties of Executors, Administrators, and Guardians, approved February 10, 1831, so as to provide that Probate Courts, Executors, and Administrators, shall not allow any demand against any decedent unless proved upon oath by some disinterested witness, with leave to report by bill or otherwise.

On leave granted, Mr. Milroy introduced a bill entitled an act establishing the state roads therein mentioned, which was read a first time, and

On motion of Mr. Milroy, the rules of the Senate were dispensed with, the bill read a second and third time and passed, and

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Morgan, the executive communication was taken from the table, nominating Daniel Yandes as a member of the State Board of internal improvement, to fill the vacancy occasioned by the resignation of David Burr.

Mr. Morgan proposed for adoption the following resolution:

*Resolved*, That the Senate do advise and consent to the nomination of Daniel Yandes, as a member of the board of internal improvement, to fill the vacancy occasioned by the resignation of David Burr.

Mr. Mitchell moved to lay the resolution and communication on the table, and,

On the question, shall it be laid on the table?

*Those who voted in the affirmative are,*

Messrs. Kennedy, Mitchell, and Puett—3.

*Those who voted in the negative are,*

Messrs. Beard, Boon, Bell, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Liston, Little, Milroy, Moore, Morgan, Plummer, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., Trask, Vawter and Walker—43.

So the resolution was not laid on the table.

On the question, shall the resolution be adopted?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Dobson, Dumont, Elliott, Hamilton, Hillis, Liston, Little, Morgan, Plummer, Sigler, Stanford, Stafford, Thompson of L., Thompson of J., Trask, Vawter and Walker—26.

*And those who voted in the negative are,*

Messrs. Bell, Bradberry, Brady, Casey, Crawford, Daily, Dunning, Everts, Ewing, Fowler, Hackett, Hoagland, Kennedy, Milroy, Mitchell, Moore, Puett, Smith, Stewart, Thompson of P., and Turman,—21.

And so the resolution was adopted and the nomination confirmed.

*Ordered,* That the Secretary inform the Governor of the action of the Senate on the said nomination.

The following communication was laid before the Senate by the president of the state bank, which was,

On motion of Mr. Milroy, referred to a select committee of nine, with power to send for persons and papers.

*Ordered,* That Messrs. Milroy, Collins, Smith, Liston, Brady, Trask, Colerick, Hamilton, and Crawford be the said committee.

STATE BANK OF INDIANA,  
Monday, January 23, 1837. }

HON. DAVID WALLACE,

*President of the Senate:*

SIR: Herewith please to receive an abstract of allowances adjusted by the directors of the state bank of Indiana, and made by the com-



missioners of the sinking fund, to the canal fund commissioners, for services and expenses, in negotiating the loans for bank stock.

These allowances were made under the 106th section of the bank charter, and were paid out of the premium procured by the commissioners on the loans, the total amount of which premium has been \$29,900. The remaining accounts for the negotiations of the loans of 1836, have not yet been presented for adjustment. This communication is in reply to the resolution of the Senate of Saturday last on the above subject.

Very respectfully, your ob't serv't,  
SAM'L. MERRILL.

**ABSTRACT of allowances to the Canal Fund Commissioners, for services and expenses as to State Loans for Bank Stock.**

1834. Nov. 22. Jeremiah Sullivan, For 57 days service in negotiating Bank Loan of 1834, at \$2 per day,	\$114 00	
For expenses incurred, including postage, &c., to this date,	185 34 $\frac{1}{2}$	\$299 34 $\frac{1}{2}$
1835. Aug. 18. Nicholas McCarty, For 106 days service as to Bank Loan of 1834, between May 5, and August 23, 1834, at \$2	\$212 00	
For part of expenses incurred during s'd time	249 33	461 33
1835. Aug. 18. William C. Linton, For 245 days services as to Bank Loan of 1834 between Feb. 1834, and 30th Nov. 1834, at \$2,	\$490 00	
For part of cash expended during said time, in negotiating loan, and subsequently,	415 58	905 58
1835. Nov. 18. Jeremiah Sullivan, For 44 days services as to bank loan of 1835, from 29th June, to 11th Aug. 1835, at \$2,	\$88 00	
For one half of expenses, incurred during said time,	60 87 $\frac{1}{2}$	148 87 $\frac{1}{2}$
1836. Feb. 19. Nicholas McCarty, For 83 days services, as to Bank Loan of 1835, from July 6, to 26th Sept. 1835, at \$2,	\$166 00	
For half of expenses incurred during said time	141 62 $\frac{1}{2}$	307 62 $\frac{1}{2}$
1836. Feb. 19. Samuel Hanna, For 60 days services as to Bank Loan of 1835, in the months of July and August, 1835,		

and in Nov. and December,	\$120 00	
For half of expenses incurred during said time	85 65	
	<hr/>	205 65
1836. Feb. 19. Jeremiah Sullivan,		
For 9 days services as to loan for Bank in 1834		
from 27th Nov. to 5th Dec. 1834	\$18 00	
For 9 days services as to Bank Loan of 1835,		
from Dec. 3, to 11, inclusive, 1835,	18 00	
	<hr/>	36 00
1836. July 29. Jeremiah Sullivan,		
For 75 days services, as to Loan for Bank, for		
1836, from 18th April to 1st July, 1836,	\$150 00	
For one third part of expense incurred during		
said time,	91 50	
	<hr/>	241 50
		<hr/>
		\$2605 90½

Adjusted by the directors of the State Bank.

Allowed by the commissioners of the Sinking Fund.

TESTE—

JAMES M. RAY, *Clerk.*

The following communication was laid before the Senate from the committee of the state board of internal improvement, which was,

On motion, referred to the committee on canals and internal improvements:

OFFICE STATE BOARD INTERNAL IMPROVEMENT, }  
Indianapolis, 23d January, 1837. }

*To the Senate of Indiana:*

In obedience to the resolutions of the Senate of the 21st inst. requiring from this Board a statement of the salaries, pay, emoluments, per diem allowance, and contingencies of the members of the Board, of the engineers and assistants employed by it, and the number employed, the undersigned, in the absence of the other members of the board, has the honor to submit the following information:

The number and grades of the engineers and hands in their service, on the different lines are as follows:

On the White Water canal, one resident engineer, one senior assistant, two assistants, three rodmen, and three axemen.

On the Wabash and Erie canal, between Fort Wayne and Lafayette, three resident engineers, one senior assistant, three assistants, two junior assistants, five rodmen, and three axemen.

On the Cross Cut canal, one resident engineer, one assistant, two senior rodmen, and one axeman.

On the Central canal, southern division, one resident engineer, one

senior assistant, one junior assistant, one senior rodman, and one axeman.

On the Central canal, Indianapolis division, one resident engineer, one senior assistant, one junior assistant, one senior rodman, one junior rodman and one axeman.

On the Erie and Michigan canal, one engineer employed under a special arrangement, for the location of this line, at \$2000 per annum including all expenses, one senior assistant, and two rodmen.

In the general locating and exploring service, for canals, one resident engineer, two assistants, one draughtsman, two rodmen, and one axeman.

On the Madison and Lafayette rail road, one resident engineer, one senior assistant, and two junior assistants, and one axeman.

On the Jeffersonville and Crawfordsville road, one resident engineer, one senior assistant, one assistant, one junior assistant, one senior rodman, and one junior rodman.

On the New Albany and Vincennes road, one resident engineer, one senior assistant, four junior assistants, four rodmen, and four axemen, and one draughtsman temporarily employed.

The entire compensation allowed to these engineers and their subordinates as above specified, will be seen by reference to a printed document herewith submitted, and also the arrangements made and the particular duties required of each, with a view to a proper accountability, and to secure a faithful discharge of public duty. It will be seen moreover that nothing more is allowed them in the way of contingencies, or under any other head, except in the language of the rule "in cases of extraordinary necessity."

Besides the engineers above designated, the Board has in its service a principal engineer on canals, at a salary of \$3500 commencing from the first of September last, and a principal engineer on roads and rail ways, at a salary of \$4000 per annum; which sums include their whole pay—contingencies and expenses of all kinds. The importance of having these principals was adverted to by the board in its annual report to the General Assembly, and the undersigned begs leave to repeat that he considers such officers as indispensable to the service.—The difficulty of obtaining a suitable engineer to take charge of the roads and railways, was also stated in the same report, and that a competent officer of that description could not, at that time, be engaged for a less salary.

The secretary of the Board was paid the first six months of his service at the rate of \$800 per year, but the Board perceiving that he was required daily to attend to his official duties, and that the manifold services devolving upon that officer could not be efficiently attended to by one who was a clerk or accountant merely, determined to retain the services of the gentleman already employed, at \$1000 per year, including every thing.

The pay of the members of the Board as fixed by law is "\$2 per day for every day necessarily employed; and also an equitable allowance

for travelling and other contingent expenses;" and to make the latter charge uniform among the members, it has been fixed at \$1.50 per day, which is to cover all travelling and tavern expenses, and all contingencies. There is no other per diem allowance known to the Board nor is there any specific contingent allowance to any member of it, or any other person employed, or any contingent allowance, except in the isolated case herein mentioned; but the term contingency is used in the service in contra-distinction to construction, and the disbursements are made under these two heads, and by referring to the tabular statements heretofore furnished by the Board, the Senate will perceive the amount expended on each *line* accordingly.

The undersigned will beg leave to add that in looking over the number of persons now engaged in the engineering service, and the compensation allowed to each, and which number must, in the progress of the public works, be increased, it will be found that the aggregate expense is very considerable; but it will be recollected by the Senate, that in the estimates furnished by the engineers of the cost per mile of our canals and roads, all these expenses and all other attending expenses of every description whatever are anticipated and included.

As to the resolution of the Senate requiring the Board of internal improvement to furnish a statement "relative to the compensation allowed the canal *fund* commissioners for services rendered in negotiating loans for internal improvements," it is out of the power of the undersigned to give any official information, as the accounts of the fund commissioners do not pass through this Board, but on the contrary, they audit and control the accounts of the Board of internal improvement.

Very respectfully submitted,

THOS. H. BLAKE,

*Member St. Board Int. Impt.*

### ARRANGEMENTS

Of the Corps of Engineers for the superintendence of Canals, after they shall be placed under contract.

Each resident engineer shall have charge of such portion of line as the Board may direct, varying in length generally from 20 to 40 miles; which may be termed a *Residency*.

Such residency shall, for the purpose of superintendence, be divided into districts of 10 to 15 miles in length, having reference to the difficulty of the work, the number of locks, dams, &c., each of which districts shall be termed an *Assistant's division*, and will require the undivided and assiduous attention of an assistant engineer, with a leveling party, under his direction, to consist of one rodman, and one axeman.

In assigning the assistants to the several divisions, those most experienced and best qualified shall be placed upon the particular divisions which embrace the most difficult work, and those of less experience on the lighter work.

There shall be three grades of assistant engineers, viz: senior assist-

ant, assistant and junior assistant. Those whose long service and superior qualifications entitle them to it, will be placed in the first grade; those of less experience in the middle grade; and those of still less experience in the third grade, to be determined by the acting commissioner, so as to do equal justice to all. By this arrangement some of the residencies may have one or more senior assistants, while others may have none of so high a grade, depending upon the degree of experience and qualification of the assistants belonging to the line.

There will also be three grades, viz: senior rodman, rodman, and junior rodman, and the particular grade in which each rodman engaged on the line shall be placed, will be determined by the acting commissioner, with reference to the qualifications and length of time he may have been in the service, so as to do justice to all.

In addition to the number of assistants, rodmen, &c. here given, the resident engineers, with the approbation of the acting commissioner, may employ additional assistants or hands, for short periods, to superintend in detail, the laying and grouting of the locks, aqueducts, culverts, the building of dams, or other important structures, laying foundations, &c., whose compensation shall correspond with that fixed to other members of the corps, in proportion to the services rendered.

### DUTIES OF THE SEVERAL ENGINEERS.

The Resident Engineer will act under the general direction of the Acting Commissioner, and the Principal Engineer.

The several Assistant Engineers, on the same Residency, will be entirely independent of each other, but will be responsible to and act under the directions of the Acting Commissioner, and Resident Engineer. The general duty of each Assistant Engineer, will be to lay off and calculate the content of the excavation and embankment, together with the various mechanical structures, to give constant superintendence to every variety of work, during its construction, and to see that the whole is performed in a faithful manner agreeably to the plans and specifications. It is expected that the Assistant will at all times, be found on his line whilst the work is progressing, and that he will attend personally to the duty of using the level and laying off work, and not confide this duty to any other member of his party except in cases of necessity. During inclement weather, when the contracts are suspended, his time can be occupied in drawing plans, and bringing up his computations.

It will be expected that the Residents, in addition to the duty of giving to the work a vigilant supervision, will revise the computations of the Assistants, attend to the detail of making the monthly estimates, and make up and certify to the final account of each contract.

## COMPENSATION.

Salary of resident Engineer, including all expenses, per annum	\$1,500
A Senior Assistant shall, as salary, receive \$55 per month,	660
Also, for boarding and other expenses, \$5 per week,	260
Total yearly pay,	920
An Assistant shall receive as salary, \$45 per month,	540
Also, for boarding, \$3 per week,	156
Total yearly pay,	696
A Junior Assistant shall receive \$35 per month,	400
Also, for boarding, \$3 per week,	156
Draftsmen are paid as Assistant Engineers.	
Total yearly pay,	556
A Senior Rodman shall receive as salary, \$25 per months,	300
Also, for boarding, \$3 per week,	156
Total yearly pay,	456
A Rodman shall receive as salary, \$20 per month,	240
Also, for boarding, \$3 per week,	156
Total yearly pay,	396
A Junior Rodman shall receive as salary \$16 per month,	192
Also, for boarding, \$3 per week,	156
Total yearly pay,	348

Axemen will be paid such wages as are common in the country, with the ordinary allowance for boarding.

The salary and allowance for boarding, here specified, will constitute the whole compensation. Horse hire or horse-keeping, stage fare, travelling expenses, &c. will not be paid, except in cases of extraordinary necessity.

## LOCATING SERVICE.

A locating party, in addition to the Engineer who directs the survey, will require two Assistants, one to carry the level and the other the compass; and also two Rodmen, and two Chainmen, with the necessary Axemen, each of whom will be placed in such grade as the Acting

Commissioner may think proper, with reference to their experience, &c., and will receive the compensation affixed to that grade.

Adopted by the State Board of Internal Improvement, 28th December, 1836.

Attest,

JAMES MORRISON,  
*Secretary of the Board.*

NOTE.—The grades and pay fixed as above, are by resolution of the Board, subject to be changed, at the discretion of the several Acting Commissioners, "*in cases of exigency.*"

J. MORRISON, Sec'y.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have concurred in the amendments made by the Senate to the bill of the House,

No. entitled an act to incorporate the Brookville insurance company.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House,

No. 51, entitled an act authorizing the sale of certain lots in Indianapolis, and for other purposes, in which the concurrence of the Senate is requested.

The bill in the message mentioned, was read a first time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with, the bill read a second time.

Mr. Everts moved to indefinitely postpone the bill.

Mr. Dunning moved to lay it on the table; pending which,

On motion, the Senate adjourned.

TUESDAY, JANUARY 24, 1837.

The Senate assembled.

On motion of Mr. Kennedy,

*Resolved*, That the Board of Internal Improvement be requested to furnish the Senate at as early a period as practicable, with what information they have been able to collect from the late surveys, &c. as to the practicability of connecting the Eastern with the Central canal by a canal, and whether further legislation is necessary to authorize them to make such connection.

On motion of Mr. Clark, the following resolution was adopted.

*Resolved*, That the select committee to whom was referred a communication from the President of the State Bank, be instructed to inquire also into the condition of the said bank, and what relation exists between said Bank and the Secretary of the Treasury of the United States, and also what correspondence has taken place between the said Secretary of the Treasury of the United States or his agent or any other person in relation to the reception in said Bank of the deposits of the National Treasury and the officers of the State Bank or any of the Branches or any Insurance or Exchange Office; and in relation to the subject matter of inquiry herein directed, the said committee be also empowered to send for persons and papers.

The President laid before the Senate the following communications and reports from the Branches of the State Bank at Terre Haute and Evansville, both of which were referred to the standing committee on the State Bank.

OFFICE STATE BANK OF INDIANA, }  
Terre-Haute, Dec. 21, 1836. }

SIR—Herewith you will please find a statement exhibiting the condition of this Branch on Saturday, Nov. 26, at 2 o'clock, P. M. as required by the Charter of the State Bank of Indiana.

I am sir, very respectfully,

A. B. FONTAINE, Cash'r.

Hon. President of the Senate, Indianapolis.



A STATEMENT exhibiting the condition of the Branch at Terre Haute of the State Bank of Indiana on Saturday,  
November 26, 1836, at 2 o'clock, P. M.

Notes discounted	\$196,814 90	Capital stock paid in	\$143,093 72
Bills of Exchange	37,344 22	Notes in circulation	187,270 00
		Due to other Banks, viz:	
Deposites in and dues from other Banks, viz:		Branch of this b'k. at Indianapolis	334 63
Branch of this bank at Vincennes	1,825 21	“ “ Evansville	323 00
“ “ Fort Wayne	761 19	“ “ Madison	44,861 55
“ “ Lafayette	2,554 51	“ “ Lawrenceb'h.	828 61
Commercial Bank of Cincinnati	6,375 60	“ “ New Albany	1,600 93
Tradesmen's Bank of New-York	7 00	Lancaster Ohio Bank	561 52
Philadelphia Bank	338 63	Commercial bank of N. Orleans	8,084 84
Bank of Illinois at Alton	620 92		56,595 08
Bank of Louisville	14,975 18	Profits since 1st instant, viz:	
New York dry dock company	47,485 99	Discounts	1,213 79
Agency of Commercial b'k. of Cin.		Exchange	871 89
at St. Louis	10,343 38	Interest	13 15
			2,098 83
Banking house and lot		Unclaimed dividends	189 23
Current expenses		Permanent fund	200 00
Furniture		Surplus fund	6,958 97
Protest account		Profit and loss	8,649 12
Comm'rs. of the Sinking Fund		Individual deposits	23,988 17
Cash on hand as follows:			\$429,043 12
Notes of other br's. of this bank	450 00		

Notes of United States Bank  
 " Other State Banks

5,525 00

21,833 37

1,883 12

61,051 40

Gold

Silver

90,742 89

\$429,043 12

# OFFICERS, &c.

Demas Deming, President, salary \$400 00

Aaron B. Fontaine, cashier, " 1,000 00

Thomas Jennings, clerk, " 400 00

William Mars, porter, " 200 00

Rent paid per annum, 150 00

A. B. FONTAINE, Cashier.

D. DEMING, President.

EVANSVILLE BRANCH BANK, }  
9th Dec. 1836. }

To, THE HON. DAVID WALLACE,  
*President of the Senate of Indiana:*

SIR—I now beg leave to enclose you the annual report of this Branch of the State Bank of Indiana, of the state of its affairs, as found upon the 19th November, 1836, at 2 o'clock in the afternoon. Also the cashier's weekly report on the same date.

There has been some delay in forwarding these documents, owing to the absence of the President of this Branch, whose signature to the annual report was considered necessary. He has not yet arrived, and being fearful of further delay, I have forwarded them with the signature of the President, pro. tem.

I have the honor to be,

Your most ob't. serv't.,

JOHN DOUGLASS, Cashier.

Dr. State of the Branch at Evansville of the State Bank of Indiana, on 19th November, 1836.

Ca.

Bills discounted,	\$203,996 61	Capital stock paid in,	\$120 000 00	
Domestic bills of exchange,	36,404 57	“ on 3d instalment,	10,953 14	\$130,953 14
Banking house lot,	1,000 00	Discount,	955 72	
Other real estate vault,	542 18	Exchange,	437 96	
Furniture and fixtures,	333 21			1,393 68
				6,844 93
Current expense,		Profit and loss,		
Deposites in, and dues from other		U. S. pension agent in Indiana,	921 72	
branches and banks, viz:		Unclaimed dividends,	268 14	
Branch at Indianapolis,	1,000 00	Permanent fund,	200 00	
“ Terre Haute,	1,853 59	Surplus fund,	3,417 30	
“ Lafayette,	232 52	Com’rs. of sinking fund,	40 00	
Bank of Kentucky,	79 76			4,847 76
“ Louisville,	4,020 85	Deposites by, and dues to other		
Ohio life insurance and trust Co.	4,354 14	branches and banks, viz:		
Agricultural b’k. of Mississippi,	500 00	Branch at Lawrenceburgh,	1,456 11	
N. O. canal and banking company,	2,945 60	“ Madison,	25,812 88	
Merchant’s bank New York,	5,485 24	“ New Albany,	764 92	
Phoenix bank N. Y. special ac’t.	1,500 00	“ Vincennes,	2,519 36	
		Bank of Lancaster Ohio,	366 43	
		Commercial b’k. of Cincinnati,	480 00	
		Phoenix bank, general account,	4 99	
		Individual deposits,		
Cash, viz:				31,404 69
Other br’s. of State b’k. of Ind.	4,450 00			30,428 91
Other State Banks,	3,930 00			

United State Bank,  
 Silver, American, }  
 " Foreign, }  
 Gold, American, }  
 " Foreign, }

1,045 00,  
 85,835 04  
 2,470 06

Circulation, 156,015 00  
 \$361,888 11

Notes of Branches on hand.

Indianapolis,	\$450	Vincennes,	\$470
Lawrenceburgh,	455	Bedford,	645
Richmond,	185	Terre Haute,	420
Madison,	620	Lafayette	515
New Albany,	575	Fort Wayne,	215
	\$97,630 10		
	\$361,888 11		

JOHN DOUGLASS, Cashier.

In order to exhibit a more full and comprehensive view of the state of this Branch, a copy of the Cashier's weekly report is herewith transmitted.

All which is respectfully submitted by order of the Board of Directors.

ROBERT BARNES, *Pres't. pro tem.*  
JOHN DOUGLASS, *Cashier.*

EVANSVILLE BRANCH STATE B'K IA., }  
9th November, 1836. }

The Board of Directors of this Branch of the State Bank of Indiana, now beg leave to report to the Senate of Indiana, upon the various points required by the 65th section of the charter of the said Bank, as the same were found upon this the 3d Saturday of November, 1836, at 2 o'clock in the afternoon, viz:

1st. The following is a statement of the available funds on hand:

Silver	-	-	-	-	\$85,835 04
Gold	-	-	-	-	2,470 06
Paper of other Branches of the State Bank of Indiana					4,450 00
Paper of other State Banks	-	-	-	-	3,830 00
Paper of the United States Bank	.	.	.	.	1,045 00

Total amount \$97,630 10

2d. The amount of Notes discounted \$203,996 61

3d. The amount of bills exchanged 36,404 57

\$240,401 18

4th. Amount at credit of the Surplus Fund \$3,417 90

5th. Amount of notes in circulation 156,015 00

6th. The only officer of this branch who receives a compensation for his services is the Cashier, whose salary is \$1200 per annum.

7th. The yearly rent paid for the present banking office is \$150 per annum.

9th. This branch purchased a town lot, which cost one thousand dollars, for the purpose of building a banking house upon it, but has not, as yet, been able to procure materials. The lot is now considered to be worth upwards of six thousand dollars.

9th. This branch owns no other real estate, with the exception of the vault, which cost \$542 18

10th. The debts due by this branch to other banks, are

to Lawrenceburgh branch	\$1,456 11
Madison branch	25,812 88
New Albany branch	764 92
Vincennes do	2,519 36
Lancaster bank of Ohio	366 43
Commercial bank of Cincinnati	480 00
Phoenix bank New York—general ap.	4 99

Total amount \$31,404 69

And the debts due by other banks to this branch are,

Indianapolis Branch	\$1000 00
Terre-Haute do	1,853 59
Lafayette do	232 52
Bank of Kentucky	79 76
Bank of Louisville	4,020 85
Ohio Life Insurance and Trust Company	4,354 14
Agricultural Bank of Mississippi	500 00
New Orleans Canal Banking Company	2,945 60
Merchants' Bank, New York	5,485 24
Phoenix Bank, New York—special account	1,500 00

Total amount

\$21,971 70

On motion of Mr. Ewing,

*Resolved*, That the board of internal improvement be instructed to report to the Senate the amount of interest received in the year 1836, on canal lands.

Mr. Vawter made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared enrolled bills that originated in the Senate of the following titles, viz:

No. 11—An act to incorporate the Indiana Mutual Fire Insurance Company.

No. 23—An act for the formation of Pleasant run School District in the county of Carroll;

With the engrossed bills, and find them truly enrolled.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House of Representatives have passed engrossed bills of the Senate, with amendments, entitled as follows, to-wit:

No. 27—An act to amend an act entitled an act to provide for the commissioning of sheriffs and coroners, and to regulate their duties; approved January 7, 1824;

No. 42—An act to incorporate the Carroll county seminary;

In which amendments of the House of Representatives the concurrence of the Senate is respectfully requested.

They have passed engrossed bills and a joint memorial of the Senate without amendment, entitled as follows, to-wit:

An act to change the name of Fullerton to that of Lodi;

An act supplemental to an act providing for the division of the 8th, and formation of the 9th judicial circuit, and for other purposes; approved December 9, 1836;

No. 23—An act amendatory of an act entitled an act to regulate the

mode of doing county business in the several counties in this state; approved January 19, 1831;

No. 34—An act to authorize the commissioner of the reserve township of seminary land to sell certain land therein named;

No. 28—An act for the formation of the Pleasant run school district in Carroll county;

No. 24—An act to amend the 9th section of an act entitled an act relative to crimes and punishments; approved Feb. 10, 1831;

An act to amend an act organizing circuit courts, and defining their powers and duties;

No. 11—An act to incorporate the Indiana Mutual Fire Insurance Company;

An act to incorporate the town of Greensburg, in Decatur county, Indiana, and

A joint resolution relative to constructing two harbors on Lake Michigan;

The House of Representatives have also passed engrossed bills of the House of Representatives entitled as follows, to-wit:

No. 50—An act to incorporate the Hartford Steam Mill and Manufacturing Company;

No. 62—An act to incorporate certain turnpike companies therein named;

No. 107—An act to incorporate the Evansville Manufacturing and Dry Dock Company;

No. 130—An act to vacate a part of the Indianapolis, Centreville and Richmond State Road;

No. 131—An act to re-locate a part of the Fort Wayne and Indianapolis state road, and for other purposes;

No. 136—An act amendatory of an act regulating the practice in suits at law; approved January 29, 1831;

No. 137—An act to incorporate the White river bridge company;

No. 148—An act to incorporate the Indianapolis Master Carpenters' and Joiners' Associate;

No. 154—An act to alter the boundary lines of the counties of Carroll and White;

No. 160—An act for the relief of Lyle M'Clung and others;

No. 161—An act to legalize the Deed of Donation made by Peter C. Vanslyke to the town of Bloomfield, and for other purposes;

No. 166—An act to legalize the proceedings of the trustees of the Presbyterian church in Greensburg, Decatur county;

No. 171—An act to legalize the proceedings of the trustees of township No. 6, range 1 West, in Dearborn county;

No. 172—An act to incorporate a company to build a bridge over White river, at Noblesville;

No. 176—An act to appropriate a part of the three per cent. fund in Orange county, to the improvement of the navigation of Lost river, and certain state roads in Orange county;

No. 186—An act to incorporate the Jeffersonville Iron Manufacturing Company;



No. 188—An act authorizing the construction of a road from Rushville to some convenient point on the Wabash and Erie canal;

No. 190—An act declaring certain names misprints;

No. 195—An act authorizing Paul McCoon, William Avery, and E. F. Call to build a dam across the Wabash river;

No. 198—An act to incorporate the Porter county Seminary;

No. 203—An act to legalize the proceedings of the board of trustees of the Salem Presbyterian congregation;

No. 204—An act amendatory of an act entitled, an act incorporating the Carlisle School Society;

No. 205—An act to repeal an act to relocate a part of the state road leading from Martinsville in Morgan county, to Danville in Hendricks county;

No. 206—An act to relocate a part of the Newcastle and Lafayette state road in the counties of Clinton and Tippecanoe;

No. 209—An act regulating the jurisdiction and duties of justices of the peace in the county of Hancock;

No. 210—An act to amend an act entitled, an act to incorporate the town of Terre-Haute, approved February 1, 1833;

No. 211—An act to repeal so much of the act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace in the several counties therein named, approved February 7, 1835, as relates to the county of Vermillion;

No. 212—An act to amend the several acts regulating the mode of doing county business in the county of Martin;

No. 213—An act authorizing the commissioner of the reserve township of seminary lands in Monroe county, to cancel certain contracts therein named;

No. 219—An act to amend an act entitled an act to regulate the mode of doing county business, approved February 7, 1835.

No. 225—An act to change the name of the town "Mongoquenong," in Lagrange county, to that of Lima;

No. 227—An act to locate a bridge, and re locate a part of a certain state road in the county of Vermillion;

No. 228—An act to legalize the proceedings of the Commissioners of Warrick county, at their January term, 1837;

No. 231—An act to amend the act entitled an act relating to county seminaries, approved February 4, 1831; and

No. 238—An act to improve the breed of cattle in White county;

In which engrossed bills of the House, the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed an engrossed joint resolution of the Senate, entitled a joint resolution of the General Assembly of the State of Indiana, relative to the continuation of the Buffalo and Mississippi Rail Road,

I am directed to bring it to the Senate for the signature of the President thereof.

The amendments to the bill No. 27, in the message mentioned, entitled an act to amend an act entitled an act to provide for the commis-

tioning of sheriffs and coroners, and to regulate their duties, approved January 7, 1834, were concurred in.

The amendments to the bill of the Senate No. 42, in the message mentioned, entitled an act to incorporate the Carroll county seminary, were concurred in.

Bill of the House No. 50, was read a first time, and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

Bill of the House No. 62, entitled an act to incorporate certain turnpike companies therein named, was read a first time, and

On motion of Mr. Dobson, the rules of the Senate were dispensed with, the bill read a second time, and on motion of Mr. Vawter, referred to the committee on corporations.

Bill of the House No. 107, entitled an act to incorporate the Evansville Manufacturing and Dry Dock Company, was read a first time, &

On motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on corporations.

Bill No. 130, entitled an act to vacate a part of the Indianapolis, Centresville and Richmond state road, was read a first time, and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a 2d and 3d time, and passed.

Bill No. 131, entitled an act to relocate a part of the Fort Wayne and Indianapolis state road, and for other purposes, was read a first time and passed to a second reading.

Bill No. 136, entitled an act amendatory of an act regulating the practice in suits at law, approved January 29, 1831, was read a first time, and

On motion of Mr. Clark, the rules of the Senate were dispensed with, the bill read a second time, and on motion of Mr. Thompson of P., indefinitely postponed.

Bill No. 137, entitled an act to incorporate the White River Bridge Company, was read a first and second time and referred to the committee on corporations.

Bill No. 148, entitled an act to incorporate the Indianapolis master carpenters and joiners associate, was read a first and second time, &

On motion of Mr. Kennedy, referred to the judiciary committee.

Bill No. 154, entitled an act to alter the boundary lines between the counties of Carroll and White, was read a first time, and

On motion of Mr. Milroy, the rules of the Senate were dispensed with, the bill read a second time, and on motion of Mr. Everts, the rules of the Senate were further dispensed with, the bill read a third time, and passed.

Bill No. 160, entitled an act for the relief of Lyle McClung and others, was read a first time, and on motion of Mr. Thompson of P., the rules of the Senate were dispensed with, the bill read a second time and indefinitely postponed.

Bill No. 161, entitled an act to legalize the deed of a donation made

by Peter C. Vanslyke, to the town of Bloomfield, and for other purposes, was read a first and second time, and

On motion of Mr. Thompson of P., referred to the judiciary committee.

Bill No. 166, entitled an act to legalize the proceedings of the trustees of the Presbyterian Church in Greensburgh, in Decatur county, was read a first time, and

On motion of Mr. Fowler, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Bill No. 171, entitled an act to legalize the proceedings of the trustees of town No. 6, range 1 west in Dearborn county, was read a 1st time, and on motion of Mr. Plummer, the rules of the Senate were dispensed with, the bill read a 2d and 3d time and passed.

Bill No. 172, entitled an act to incorporate a company to build a bridge over White river at Noblesville, was read a first time, and

On motion of Mr. Thompson of P., the rules of the Senate were dispensed with, the bill read a 2d time and referred to the committee on corporations.

Bill No. 176, entitled an act to appropriate a part of the 3 per cent. fund in Orange county, to the improvement of the navigation of Lost river, and certain state roads in Orange county, was read a first time, &

On motion of Mr. Chambers, the rules of the Senate were dispensed with, the bill read a 2d time, and

On motion of Mr. Dunning, laid on the table.

Bill No. 186, entitled an act to incorporate the Jeffersonville Iron Manufacturing company, was read a first time, and

On motion of Mr. Daily, the rules of the Senate were dispensed with, the bill read a 2d time, and referred to the committee on corporations.

Bill No. 188, entitled an act authorizing the construction of a road from Rushville to some convenient point on the Wabash and Erie canal, was read a first time, and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a second time, and referred to a select committee.

*Ordered*, That Messrs. Morgan, Hillis, Fowler, Stafford, Stanford, Kennedy and Smith, be the said committee.

Bill No. 190, an act declaring certain names missprints, was read a first time, and on motion of Mr. Bell, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Bill No. 195, entitled an act authorizing Pane McCoon, William Avery, and E. F. Call, to build a dam across the Wabash river, was read a first time, and

On motion of Mr. Colerick, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on corporations;

Bill No. 198, entitled an act to incorporate the Porter county Seminary, was read a first time, and on motion of Mr. Claypool, the rules of the Senate were dispensed with, the bill read a second time, and on motion of Mr. Vawter, referred to the education committee.

Bill No. 203, entitled an act to legalize the proceedings of the Board of Trustees of the Salem Presbyterian congregation, was read a first time, and on motion of Mr. Thompson of L., the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Bill No. 204, entitled an act amendatory of an act entitled an act incorporating the Carlisle School Society, was read a first time, and

On motion of Mr. Boon, the rules of the Senate were dispensed with, and the bill read a second and third time and passed;

Bill No. 205, entitled on act to repeal an act to relocate a part of the state road leading from Martinsville in Morgan county, to Danville in Hendricks county, was read a first time, and

On motion of Mr. Stafford, the rules of the Senate were dispensed with and the bill read a 2d and 3d time, and passed.

Bill No. 206, entitled an act to relocate a part of the New Castle and Lafayette state road in the counties of Clinton and Tippecanoe, was read a first time, and

On motion of Mr. Clark, the rules of the Senate were dispensed with, and the bill read a 2d and 3d time and passed.

Bill No. 209, entitled an act regulating the jurisdiction and duties of justices of the peace in the county of Hancock, was read a first time, &

On motion of Mr. Bell, the rules of the Senate were dispensed with, and the bill read a second and third time and passed;

Bill No. 210, entitled an act to amend an act entitled an act to incorporate the town of Terre Haute, approved February 1st, 1833, was read a first time and

On motion of Mr. Boon, the rules of the Senate were dispensed with, and the bill read a 2d and 3d time and passed;

Bill No. 211, entitled an act to repeal so much of the act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace in the several counties therein named, approved February 7, 1835, as relates to the county of Vermillion, was read a first time, and

On motion of Mr. Turman, the rules of the Senate were dispensed with, and the bill read a 2d and 3d time and passed;

Bill No. 212, entitled an act to amend the several acts regulating the mode of doing county business in the county of Martin, was read a first time, and

On motion of Mr. Moore, the rules of the Senate were dispensed with, and the bill read a 2d time and passed to a 3d reading;

Bill No. 213, entitled an act authorizing the commissioner of the reserve township of Seminary lands in Monroe county to cancel certain contracts therein named, was read a first time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with and the bill read a 2d and 3d time and passed;

Bill No. 219, entitled an act to amend an act entitled an act to regulate the mode of doing county business, approved February 7, 1835, was read a first time, and

On motion of Mr. Boon, the rules of the Senate were dispensed with and the bill read a second time, and

On motion of Mr. Stanford, was referred to a select committee.

*Ordered*, That Messrs. Stanford, Boon, and Thompson of J., be that committee;

Bill No. 225, entitled an act to change the name of the town of Mon-goquenong, in Lagrange county, to that of Lima, was read a first time, and on motion of Mr. Crawford the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Everts, the rules of the Senate were further dispensed with, the bill read a third time and passed;

Bill No. 227, entitled an act to locate a bridge and relocate a part of a certain state road in the county of Vermillion, was read a first time, and

On motion of Mr. Turman, the rules of the Senate were dispensed with and the bill read a second time, and on motion of Mr. Hamilton the rules of the Senate were further dispensed with, the bill read a third time and passed.

Bill No. 228, entitled an act to legalize the proceedings of the commissioners of Warrick county at their January term, 1837, was read a first time, and

On motion of Mr. Casey, the rules of the Senate were dispensed with, the bill read a second and third time and passed;

Bill No. 231, entitled an act to amend the act entitled an act relating to county seminaries, approved February 4, 1831, was read a first time, and on motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on education.

Bill No. 238, entitled an act to improve the breed of cattle in White county, was read a first time and passed to a second reading.

The President having signed the joint resolution in the message mentioned, it was handed over to the committee on enrolled bills to be presented to His Excellency the Governor, for his approval and signature.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House of Representatives, entitled as follows, to wit:

No. 287, an act repealing part of the act entitled an act to provide for a general system of internal improvement, approved January 27, 1836,

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the Senate, entitled as follows:

An act to amend an act organizing circuit courts, and defining their powers and duties,

An act to change the name of Fullerton, in Parke county, to Lodi,  
 An act supplemental to an act providing for the division of the 8th  
 and formation of the 9th judicial circuit, and for other purposes, ap-  
 proved December 9, 1836;

No. 23—An act to amend the 9th section of an act entitled, an act  
 relative to crimes and punishments, approved Feb. 10, 1831;

No. 24—An act amendatory of an act entitled an act to regulate  
 the mode of doing county business in the several counties in this state,  
 approved January 19, 1831;

A joint resolution relative to constructing two harbors on Lake Mi-  
 chigan, and

No. 34—An act to authorize the commissioner of the reserve town-  
 ship of seminary lands, to sell certain land therein named;

I am directed to bring them to the Senate for the signature of the  
 President thereof.

Bill No. 287, entitled an act repealing part of the act entitled an act  
 to provide for a general system of internal improvement, approved  
 January 26, 1836, was read a first time, and

On motion of Mr. Clark, the rules of the Senate were dispensed  
 with, the bill read a second time, and on motion of Mr. Clark, was re-  
 ferred to the committee on canals and internal improvements.

The President of the Senate having signed the enrolled bills in the  
 message mentioned, they were handed to the committee on enrolled  
 bills to be presented to the Governor for his approval and signature.

The following message was received from the House of Representa-  
 tives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the  
 House of Representatives,

No. 49—An act to amend an act entitled an act to provide for a gen-  
 eral system of internal improvement, approved Jan. 27, 1836;

In which the concurrence of the Senate is requested.

Bill No. 49, entitled an act to amend an act entitled an act to pro-  
 vide for a general system of internal improvement, approved January  
 27, 1836,

Which was read a first time, and

On motion of Mr. —, the rules of the Senate were dispensed with  
 and the bill read a second time and referred to the committee on canals  
 and internal improvements.

On leave being granted, Mr. Everts introduced a bill entitled a bill  
 to provide for the settlement of accounts with the commissioners of  
 the three per cent. fund, in the several counties, which was read a first  
 time, and

On motion of Mr. Everts, the rules of the Senate were dispensed  
 with, the bill read a second time and referred to the judiciary commit-  
 tee.

On leave granted, Mr. Milroy introduced a bill relative to the three per cent. fund in the counties of Clinton, Carroll, and White,  
Which was read a first time, and

On motion of Mr. Milroy the rules of the Senate were dispensed with, and the bill read a second time and referred to the committee on roads.

On leave granted, Mr. Dunning made the following report from the select committee:

Mr. PRESIDENT—

The select committee to which was referred the petitions of sundry citizens of Morgan, Monroe, and Lawrence counties, asking for a re-location of the Indianapolis and Leavenworth state road in said counties, also a remonstrance from sundry citizens of Morgan county on the same subject; also a petition of William Snyder and other citizens of Brown county asking for the location of a state road therein named have had said petitions and remonstrance under consideration and have directed me to report the following bill in accordance with the prayer of the petitioners:

The bill to establish and re-locate certain state roads therein named, and for other purposes,

Which said bill was read a first time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with, and the bill was read a second and third time and passed.

On leave granted, Mr. Collins introduced a bill entitled a bill to incorporate the trustees of the New Albany Seminary, which said bill was read a first time; and

On motion of Mr. Collins the rules of the Senate were dispensed with, and the bill read a second time and referred to the judiciary committee.

Mr. Colerick made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred the bill of the House of Representatives, No. 171, entitled an act to incorporate the Washington Hall Company, have had the same under consideration and directed me to report the same back with one amendment, and to ask the concurrence of the Senate therein;

And the amendment was concurred in, and

On motion of Mr. Brady the amendment was considered as engrossed and the bill read a third time and passed.

On leave granted Mr. Dunning introduced a bill entitled an act to incorporate the Laurel Seminary,

Which was read a first time, and

On motion of Mr. Dumont the rules of the Senate were dispensed with, the bill read a second and third time and passed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. Smith,

*Resolved*, That the Principal Secretary of the Senate be authorized to employ such additional assistance as may be necessary or required for the purpose of keeping up the journal and clerical business of the Senate during the remainder of the present session.

Mr. Vawter made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared a joint resolution that originated in the Senate, entitled a joint resolution relative to the appointment of a commissioner to adjust the boundary line between the states of Ohio and Indiana, with the engrossed, and find the same truly enrolled.

On motion of Mr. Clark the orders of the day were dispensed with, and the bill on the subject of schools taken up, and

On motion of Mr. Morgan the vote was reconsidered and the bill was not taken up.

The following message was received from the House of Representatives by a member, Mr. Marshall:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the House of Representatives, entitled

No. 217—An act permanently fixing the line between the counties of Jefferson and Clark,

In which the concurrence of the Senate is requested.

The bill in the report mentioned was read a first time, and

On motion of Mr. Hillis, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Daily referred to select committee of Messrs. Stanford, Elliott and Hackett.

Mr. Sigler made the following report:

MR. PRESIDENT—

The select committee to whom was referred sundry petitions on the subject of incorporating a turnpike company in the counties of Vigo, Parke, Putnam and Montgomery, have had the same under consideration, and have directed me to report a bill;

The bill in the report mentioned was read a first time, and

On motion of Mr. Colerick, the rules of the Senate were dispensed



with, the bill read a second time and referred to the committee on canals and internal improvement.

On leave granted, Mr. Thompson of L. introduced a bill entitled an act organizing probate courts, and defining the powers and duties of executors, administrators and guardians, approved, Feb. 10, 1831,

Which was read a first and second times, and passed to a third reading.

On motion of Mr. Little, the previous orders of the day were suspended, and the bill to prevent the retailing of spiritous liquors on the lines of the public works, was taken up, and referred to a select committee of Messrs. Little, Plummer, and Conwell.

On motion of Mr. Claypool,

*Resolved*, That the secretary of State be requested to furnish the Senate with a certified copy of the joint resolution of the General Assembly of the State of Ohio, passed at their last session relative to the terms upon which the White Water canal could pass through her territory.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate, each with amendment, entitled as follows:

An act to locate a state road from Russelville in Putnam county to Blakesburgh in said county;

An act legalizing the sale of the south east quarter of section 16, in congressional township No. 14, in Shelby county;

No. 32—An act relative to state roads: and

An act to incorporate the Eel river manufacturing company;

In which amendments of the House to said bills of the Senate, the concurrence of the Senate is requested.

The House of Representatives has concurred in the amendment of the Senate to the bill of the House entitled

No. 224—An act to revive the coporation of the town of Bowlinggreen, in the county of Clay.

The House of Representatives has also passed an engrossed joint resolution, and engrossed bills of the House, entitled

No. 115—A joint resolution on the subject of revising the laws;

No. 191—An act relating to corporations;

No. 192—An act to extend the jurisdiction and powers of the president and trustees of the town of Vernon, in the county of Jennings; &

No. 223—An act relative to crime and punishment;

In which bills of the House the concurrence of the Senate is requested.

The amendments to the bills in the mesage mentioned entitled

An act to locate a state road from Russelville in Putnam county to Blakesburgh in said county;

An act to legalize the sale of the south east quarter of section 16,

in congressional township No. 14, in Shelby county:

An act relating to state roads;

Were severally concurred in.

The Senate disagreed to the amendments of the House to the bill entitled an act to incorporate the El river manufacturing company.

Bill No. 115, in the message mentioned, was read a first and second time and referred to the judiciary committee.

The bill No. 191 in the message mentioned, entitled an act relating to corporations, was read a first time; and

On motion of Mr. Thompson of P., the rules of the Senate were dispensed with, the bill read a second time and referred to the judiciary committee.

The bill No. 192 in the message mentioned, entitled an act to extend the jurisdiction and powers of the president and trustees of the town of Vernon, in the county of Jennings, was read a first time; and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on corporations.

Bill No. 193, entitled an act relative to crimes and punishments, was read a first and second time; and

On motion of Mr. Dunning, laid on the table.

Mr. Vawter made the following report:

The joint committee on enrolled bills report that they did this day present to his excellency, the Governor, for his approval and signature, bills that originated in the Senate, of the following titles, viz:

No. 23—An act amendatory of an act to regulate the mode of doing county business in the several counties in this state, approved January 19, 1831;

No. 34—An act to authorize the commissioners of the reserve townships of seminary land to sell certain land therein named;

No. 24—An act to amend the ninth section of an act entitled an act relative to crimes and punishments, approved, Feb. 10, 1831.

An act to change the name of Fullerton in Parke county, to Lodi;

An act supplemental to an act providing for the division of the eighth and formation of the ninth judicial circuit, and for other purposes, approved, Dec. 9, 1836;

An act to amend an act organizing circuit courts, and defining their powers and duties;

A joint resolution relative to constructing two harbors on Lake Michigan;

The following message was received from the House of Representatives:

Mr. PRESIDENT--

I am directed to inform the Senate that the House of Representatives have passed an engrossed bill of the House of Representatives, entitled

No. 233—An act to provide for distributing so much of the surplus

revenue of the United States as the State of Indiana may be entitled to by virtue of an act of Congress, approved, 23d June, 1836;

In which the concurrence of the Senate is requested.

The bill was read a first time; and

On motion of Mr. Thompson of L. the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Thompson of L. moved to amend it as follows:

Strike out all that part of the 10th section of the bill, which provides that one third of the interest shall be appropriated to common schools and amend said section so as to provide that the *whole* of the interest shall be appropriated to the payment of the interest on the bonds of the State for purposes of internal improvement;—pending which;

On motion,

The Senate adjourned.

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### WEDNESDAY, JANUARY 25, 1837.

The Senate assembled.

Mr. Kennedy introduced two several petitions of the citizens of the counties of Henry and Delaware, praying for a state road from the point in Henry county, where the state road from Knightstown to Middleton crosses the line dividing sections two and three in township No. 18, north of range 9 east, to intersect the Huntington state road; which were,

On motion of same gentleman, referred to a select committee.

*Ordered*, That Messrs. Kennedy, Stanford and Trask, be the said committee.

Mr. Sigler introduced a petition signed by Edward Rogers and others, citizens of Putnam county, on the subject of the seminary fund in the county of Putnam; which was, on motion of Mr. Sigler, referred to the committee on education.

On motion of Mr. Dobson, the petition of the citizens of Green county on the subject of the Central Canal, was taken from the table; and, with a remonstrance to the said prayer, referred, on motion of the same gentleman, to the committee on canals and internal improvements.

Mr. Everts introduced a petition signed by sundry individuals, praying a change in the Michigan road between Plymouth and Michigan city, which was, on motion of same gentleman, referred to the select north western committee.

On motion of Mr. Everts, Mr. Walker was added to said committee.

Mr. Thompson of P., Made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate instructing the committee to inquire into the expediency of so amending an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved February 10th, 1831, as to provide that probate courts, executors, and administrators, shall not allow any demand against a decedent, unless proved upon oath by a disinterested witness, have duly taken the subject into consideration, and instructed me to report a bill herewith, to amend the law as suggested in the resolution.

The bill in the report mentioned, was read a first time and passed to a second reading.

Mr. Stewart made the following report:

Mr. PRESIDENT—

The committee on roads to whom was referred the petition of Levi Kinman and others, praying for the location of a state road from Hathaway's mill in Pike county, to the Highbanks of White river—thence to intersect the state road leading from Petersburg in Pike county, to Washington in Daviess county, has according to order had the same under consideration, and directed me to report the following bill.

The bill in the report mentioned was read a first time, and

On motion of Mr. Moore, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

On motion of Mr. Morgan, the bill on the subject of schools, was taken up and read a third time.

On motion of Mr. Conwell, the bill was amended by common consent, as follows:

*“Provided, That there shall be nothing in this act so construed as to prevent any school funds in this state from being vested in bank stock as provided in an act to amend the bank charter, approved January 25, 1836;”* and thus amended the bill passed.

Mr. Sigler made the following report:

Mr. PRESIDENT—

The committee on agriculture to which was referred an engrossed bill of the House No. 98, entitled an act to amend an act entitled an act for the encouragement of agriculture, approved Feb. 7, 1835, have had the same under consideration, and directed me to report the bill back to the Senate with one amendment; which is to strike out the word ‘fifty’ in the 4th section, and insert ‘twenty’ in lieu thereof,

In which the concurrence of the Senate is requested.

The amendment was concurred in, and

On motion of Mr. Kennedy to indefinitely postpone the bill,

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Casey, Clark, Cole, Colerick, Collins, Conwell, Daily, Dobson, Dunning, Elliott, Everts, Fowler, Hackett, Hamilton, Hillis, Hoagland, Kennedy, Liston, Little, Milroy, Moore, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., Trask and Vawter—33.

*And those who voted in the negative are,*

Messrs. Bell, Brady, Chambers, Claypool, Crawford, Dumont, Ewing, Mitchell, Morgan, Plummer, Puett, Sigler, Smith, and Walker—14.

And so the bill was indefinitely postponed.

On motion of Mr. Thompson of L., the previous orders of the day were suspended, and the bill of the House on the subject of the surplus revenue taken up.

Mr. Morgan moved to refer it to a select committee—pending which,

On motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

On Mr. Morgan's motion to refer the bill of the House on the subject of the surplus revenue to a select committee,

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Casey, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dumont Elliott, Everts, Fowler, Hamilton, Hillis, Hoagland, Liston, Little, Milroy, Mitchell, Moore, Morgan, Plummer, Puett, Sigler, Smith, Stafford, Stanford, Turman, Thompson of P., Thompson of L., Thompson of J., Trask, and Walker—38.

*Those who voted in the negative are,*

Messrs. Bell, Chambers, Dobson, Dunning, Hackett, Kennedy, Stewart, and Vawter—8.

So said bill was so referred.

Mr. Vawter made the following report:

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bills which originated in the House of Representatives of the following titles, to-wit:

No. 79—An act to incorporate the New Amsterdam manufacturing company;

No. 13—An act for the incorporation of the town of Knightstown;  
 No. 144—An act to incorporate the Brookville insurance company;  
 No. 173—An act to change the name of the town of Danville to that of Fayetteville;

No. 133—An act to appropriate a part of the three per cent. fund in the county of Orange,

No. 37—An act to incorporate the St. Joseph manual labor institute;

No. 179—An act declaring certain county roads in Owen county state roads;

No. 156—An act to re-locate a part of the state road from Vincennes to Carlisle in Sullivan county;

No. 152—An act appropriating so much of the 3 per cent. fund as is now due to Greene county;

No. 175—An act to declare certain roads therein named state roads;

No. 99—An act to incorporate the Williamsport Warren county bridge company;

No. 52—An act authorizing William McCartney, sen. and others to cut a race from the head of the Kankakee into the St. Joseph river;

No. 11—An act changing the time of holding elections for township officers in the county of Warrick;

No. 124—An act to legalize the election of a probate judge in Kosciusko county;

No. 117—An act to amend the charter of the Vevay seminary;

And find the same truly enrolled.

The President announced the following as the select committee to whom was referred the bill of the House of Representatives on the subject of the surplus revenue, viz:

Messrs. Morgan, Thompson of P., Thompson of L., Colerick, Clark, and Smith.

Mr. Everts moved to suspend the previous orders of the day, and to take up a bill to amend the charter of the Michigan City and Kankakee rail road company;

Which was not agreed to.

Orders of the day were then taken up.

The bill of the House, No. 3, entitled an act providing for the mode electing United States Senator and other purposes, was read a third time; and

On the question shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Casey, Clark, Claypool, Colerick, Crawford, Dobson, Daily, Dunning, Fowler, Hamilton, Hillis, Hoagland, Kennedy, Milroy, Mitchell, Sigler, Stafford, Stewart, Thompson of L., Trask, and Walker—25.

*And those who voted in the negative are,*

Messrs. Bell, Chambers, Cole, Collins, Conwell, Dumont, Elliott, Everts, Hackett, Liston, Little, Morgan, Plummer, Puett, Smith, Stanford, Turman, Thompson of P., Thompson of J., and Vawter—20.

And so the bill passed.

Bill No. 110 of the House, entitled an act to amend the act to incorporate the town of Indianapolis, was read a third time and passed.

Bill of the Senate. No. 39, entitled an act to incorporate the Eel river steam mill company, was read a third time and passed.

Bill of the Senate, entitled an act to provide for a state road therein named, was read a third time and passed.

Bill of the Senate, entitled an act to authorize the location of a state road from Rochester in Fulton county to Monticello in White county, was read a third time and passed.

The joint resolution of the Senate, entitled a joint resolution in relation to the erection of a monument of the battle field of Tippecanoe, was read a third time; and

On the question shall it pass?

*Those who voted in the affirmative are,*

Messrs. Clark, Colerick, Collins, Daily, Everts, Hillis, Liston, Morgan, Sigler, Smith, Stewart, Thompson of L., Thompson of J., and and Walker—14.

*Those who voted in the negative are,*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Claypool, Cole, Conwell, Crawford, Dobson, Dumont, Dunning, Elliott, Fowler, Hackett, Hamilton, Hoagland, Kennedy Little, Milroy, Mitchell, Moore, Plummer, Puett, Stafford, Stanford, Turman, Thompson of P., Trask and Vawter—32.

So the bill did not pass?

The joint resolution of the House, entitled a joint resolution on the subject of a feeder taken out of the Tippecanoe river was taken up.

Mr. Milroy moved to amend the joint resolution as follows, viz:

And in the event of the said feeder being taken out of the Tippecanoe river, no feeder shall be taken from the St. Joseph river: *Provided*, that nothing herein contained shall authorize a diversion of any of the waters of Tippecanoe from their natural channel so as materially to lessen the quantity of water in that river;

Which was not agreed to.

On motion, the bill was read a third time; and

On the question shall it pass?

*Those who voted in the affirmative are,*

Messrs. Bell, Casey, Chambers, Colerick, Crawford, Daily, Dobson,

Dumont, Dunning, Everts, Ewing, Liston, Little, Milroy, Moore, Morgan, Plummer, Puett, Smith, Stewart, Thompson of P., and Walker—22.

*Those who voted in the negative are,*

Messrs. Beard, Boon, Bradberry, Brady, Clark, Claypool, Cole, Collins, Conwell, Elliott, Fowler, Hackett, Hamilton, Kennedy, Sigler, Stafford, Stanford, Turman, Thompson of L., Thompson of J., Trask and Vawter—22.

The President voting in the affirmative, the joint resolution passed.

Bill of the House No. 129, entitled an act to authorize Daniel A. Rawlins to sell certain real estate therein named, was read a third time and passed.

On motion of Mr. Ewing, the previous orders of the day were dispensed with, and the bill of the House, entitled an act to incorporate the Eel river and Michigan road bridge company, was taken up, read a second time and referred to the committee on corporations.

Bill No. 29 of the House of Representatives, to incorporate the Madison and Lawrenceburgh hotel companies, was read a second time; and

On motion of Mr. Hillis, referred to the judiciary committee.

On leave granted, Mr. Thompson of L. made the following report:

MR. PRESIDENT—

The select committee to which was referred the petition of E. Brock and other citizens of Lawrence, Washington and Orange counties, praying that the privilege of erecting a dam across the eastern branch of White river, may be granted to Sheward P. Moore of Putnam county, Indiana, and Josiah Lawrence of Cincinnati, Ohio, have after considering the same, directed me to report the following bill:

The bill in the report mentioned, was read a first and second time and referred to the judiciary committee.

Mr. Stanford made the following report:

MR. PRESIDENT--

The select committee to whom was referred a bill No. 217, permanently fixing the line between the counties of Jefferson and Clark, have had the same under consideration, and have directed me to report it back to the Senate without amendment, and recommend the passage of the bill.

The bill in the report mentioned, was read a 3d time and passed.

On motion of Mr. Claypool, a bill entitled an act to amend an act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana, was taken up and read a second time.



On motion of Mr. Colerick, the bill was so amended as to give the counties of Noble, DeKalb and Whitley a representative.

Mr. Everts moved to amend the bill by striking out that part giving Noble, DeKalb and Whitley a representative, and to insert in its stead, that the counties of Jasper, Starke, Newton and Pulaski, shall have one representative. Pending which,

On motion the Senate adjourned.

## THURSDAY, JANUARY 26, 1837.

The Senate assembled.

On motion of Mr. Conwell, the previous orders of the day were suspended, and the bill entitled an act amendatory of an act entitled an act for opening public roads and highways. approved, Feb. 10, 1831, was taken up, and read a second time and referred to the committee on roads.

On motion of Mr. Cole, the previous orders of the day were suspended, and the bill to re-locate part of the Noblesville and Andersontown state road was taken up, read a second time, and

On motion of Mr. Cole, the rules of the Senate were dispensed with, the bill read a third time and passed.

On motion of Mr. Daily, the previous orders of the day were suspended, and the bill to repeal a part of the Jeffersonville and New Albany canal charter was taken up, read a second time, and on motion of the same gentleman, referred to a select committee.

*Ordered*, That Messrs. Daily, Collins, and Hoagland be that committee.

On motion of Mr. Bell, the previous orders of the day were suspended, and the bill to appropriate a part of the three per cent. fund in Hancock county was taken up, read a second time, and

On motion of Mr. Bell, referred to a select committee.

*Ordered*, That Messrs. Bell, Morgan, and Walker be that committee.

On motion of Mr. Stanford, the previous orders of the day were suspended, and bills on the second reading were taken up.

Bill No. entitled a bill to amend an act entitled an act to provide for an equitable mode of levying the taxes of this state, approved, Feb. 8, 1836, was read a second time, and

On motion of Mr. Vawter, was referred to the standing committee on ways and means.

Bill No. 40, entitled a bill to change the direction of the Michigan road on section No. 32, of said road, situated in Fulton county, was read a second time; and

On motion of Mr. Bell, the rules of the Senate were dispensed with and the bill read a third time and passed.

The joint resolution of the Senate entitled a joint resolution relative to the late Treasury circular, requiring specie payments for the public lands, was read a second time;

Mr. Kennedy moved to lay it on the table: and

On the question, shall it be laid on the table?

*Those who voted in the affirmative are,*

Messrs. Boon, Brady, Casey, Chambers, Collins, Daily, Dobson, Dumont, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hamilton, Kennedy, Milroy, Mitchell, Moore, Plummer, Puett, Smith, Stanford, Stewart, Turman, & Trask—26.

*And those who voted in the negative are,*

Messrs. Beard, Bell, Bradberry, Clark, Claypool, Cole, Colerick, Conwell, Hillis, Hoagland, Liston, Little, Morgan, Sigler, Stafford, Thompson of P., Thompson of L., Thompson of J., Vawter, and Walker—20.

So the joint resolution was laid on the table.

On motion of Mr. Little, the previous orders of the day were suspended; and, on motion of the same gentleman to re-consider the vote taken on yesterday, on the bill on the subject of taking a feeder out of Tippecanoe river,

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Brady, Chambers, Clark, Claypool, Collins, Conwell, Dunning, Elliott, Hackett, Hamilton, Hillis, Kennedy, Little, Mitchell, Sigler, Stafford, Stanford, Turman, Thompson of L., Thompson of J., Trask, and Vawter—24.

*And those who voted in the negative are,*

Messrs. Bell, Boone, Casey, Cole, Colerick, Crawford, Daily, Dobson, Dumont, Everts, Ewing, Fowler, Hoagland, Liston, Milroy, Moore, Morgan, Plummer, Puett, Smith, Stewart, Thompson of P., and Walker—23;

And so the vote was re-considered; and,

On the question, shall the bill pass?

*Those who voted in the affirmative are;*

Messrs. Bell, Boone, Casey, Colerick, Crawford, Daily, Dobson, Dumont, Everts, Ewing, Fowler, Hoagland, Liston, Milroy, Mitchell, Moore, Morgan, Plummer, Puett, Smith, Stewart, Thompson of P., and Walker—23.

*And those who voted in the negative are,*

Messrs. Beard, Bradberry, Brady, Chambers, Clark, Claypool, Cole,

Collins, Conwell, Dunning, Elliott, Hackett, Hamilton, Hillis, Kennedy, Little, Sigler, Stafford, Stanford, Turman, Thompson of L., Thompson of J., Trask, and Vawter--24.

So said joint resolution did not pass.

Orders of the day were then taken up.

The bill of the Senate for the relief Seth Cushman, former collector of Sullivan county, was read a second time; and

On motion of Mr. Boone, the rules of the Senate were dispensed with, the bill read a third time and passed.

The bill of the Senate, No. 50 to declare the laws now in force on the subject of granting license to vend foreign merchandize, and to retail spirituous liquors, was read a second time, and

On motion of Mr. Clark, referred to the judiciary committee.

The bill of the Senate, No. 48, amendatory of an act entitled an act relative to crimes and punishment, approved, Feb. 10, 1831, was read a second time; and

On motion of Mr. Clark, referred to the judiciary committee.

The bill of the House, No. 223, relative to crimes and punishments, was read a second time, and

On motion of Mr. Clark referred to the judiciary committee:

Mr. Vawter made the following report:

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed No. 209, which originated in the House of Representatives, entitled an act to regulate the jurisdiction and duty of justices of the peace, in the county of Hancock, and find the same truly enrolled.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the Senate:

No. 11—An act to incorporate the Indiana Mutual Fire Insurance company; and

No. 28—An act for the formation of Pleasant-run school district in Carroll county;

And also enrolled bills of the House of Representatives:

No. 11—An act changing the time of holding elections for township officers in the county of Warrick;

No. 37—An act to incorporate the St. Joseph manual labor institute.

No. 52—An act authorizing Wm. M'Cartney, sen. and others to cut a race from the head of the Kankakee into the St. Joseph river.

No. 79—An act to incorporate the New Amsterdam manufacturing company;

No. 99—An act to incorporate the Williamsport Warren co. bridge company;

No. 117—An act to amend the charter of the Veray Seminary;

No. 124—An act to legalize the election of a Probate judge in Kosciusko county;

No. 133—An act to appropriate a part of the 3 per cent. fund in the county of Orange;

No. 144—An act to incorporate the Brookville Insurance company;

No. 152—An act appropriating so much of the 3 per cent fund as is now due to Greene county;

No. 156—An act to re-locate a part of the state road from Vincennes to Carlisle, in Sullivan county;

No. 173—An act to change the name of the town of Danville to that of Fayetteville;

No. 175—An act to declare certain roads therein named, State roads; and

No. 179—An act declaring certain county roads in Owen county state roads;

I am directed to bring them to the Senate for the signature of the President thereof.

The bills of the Senate in the message mentioned having been signed by the president they were handed to the committee on enrolled bills to be handed to the governor for his approval and signature.

Bill No. 53, entitled a bill amendatory of the several acts regulating writs of foreign and domestic attachment was read a second time, and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, and the bill read a third time and passed.

On motion of Mr. Stewart, the previous orders of the day were suspended, and the bill to change the mode of doing county business in the county of Gibson, was taken up and read a second time, and on motion of the same gentleman, the recommendation of the judiciary committee to postpone the same, was not concurred in; and on motion of the same gentleman, the bill was referred to a select committee.

*Ordered*, That Messrs. Stewart, Casey, and Collins be that committee.

On motion of Mr. Milroy, the select committee to whom a communication from the president of the State bank was referred, had leave of absence.

On leave granted, Mr. Everts introduced a bill to amend the 34th section of an act relative to crimes and punishments, approved, Feb. 10th, 1831, which was read a second time, and on motion of the same gentleman, the rules of the Senate were dispensed with, and the bill read a second time; pending which,

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Senate resumed the consideration of the bill pending at the adjourn-

ment, on the subject of crime and punishment; when

Mr. Clark moved to refer the same to the judiciary committee; which was decided in the negative.

Mr. Boone moved the following amendment:

That the law shall be posted up in every township along the State line, four weeks before any individual shall be liable to its penalties, Which amendment was not agreed to.

Mr. Boone moved to indefinitely postpone said bill, and

*Those who voted in the affirmative are,*

Messrs. Bell, Boone, Clark, Claypool, Dobson, Fowler, Hackett, Little, Puett, Turman, Thompson of P., Thompson of L., and Thompson of J.—13.

*And those who voted in the negative are,*

Messrs. Beard, Bradberry, Chambers, Casey, Conwell, Daily, Dumont, Dunning, Elliott, Everts, Ewing, Hillis, Hoagland, Kennedy, Liston, Mitchell, Morgan, Plummer, Sigler, Stafford, Stanford, Stewart, Vawter, and Walker—24.

So said bill was not indefinitely postponed.

Mr. Morgan moved to reconsider the vote just taken upon the motion to refer said bill to the judiciary committee, which was decided in the affirmative; and, on the question shall the said bill be referred to the judiciary committee?—it was decided in the affirmative.

The following message was received from the Governor;

Mr. PRESIDENT—

I am requested by the Governor to inform the Senate that he did, on this day, approve and sign acts and a joint resolution entitled as follows, viz:

An act to authorize the commissioner of the reserve township of Seminary land to sell certain land therein named;

An act to amend the 9th section of an act entitled an act relative to crimes and punishments;

An act amendatory of an act entitled an act to regulate the mode of doing county business in the several counties of the state, approved January 19, 1831;

An act to change the name of Fullerton in Parke county, to that of Lodi;

An act supplemental to an act providing for the division of the eighth and the formation of the ninth judicial circuit, and for other purposes, approved December 9, 1836;

An act to amend an act organizing circuit courts and defining their duties and powers; and

A joint resolution relative to constructing a harbor on Lake Michigan;

All which originated in the Senate.

The President laid before the Senate a communication from the state board of internal improvement, which was,

On motion of Mr. Kennedy referred to the committee on canals and internal improvements.

OFFICE STATE BOARD INTERNAL IMPROVEMENT,  
January, 25, 1837. }

*To the Senate of Indiana:*

In obedience to a resolution of the Senate passed on the 24th inst., requesting the board of internal improvement "to furnish the Senate at as early a period as practicable, with what information they have been able to collect from the surveys, as to the practicability of connecting the Eastern canal with the Central canal by a canal, and whether further legislation is necessary to authorize them to make such connection:" the undersigned members of the board of internal improvement have the honor to submit the following facts:

In the month of December last a corps of engineers were detailed to this line with the proper instructions from the Principal Engineer on canals, for the purpose of carrying a random level across the country preparatory to a definite and accurate survey and location. This party in discharge of their duties have run a line of levels from Muncietown to Cambridge, and also from the former place up White river, with a view to a feeder from that stream.

The principal Engineer has not been able from the limited examination that could be made during this inclement season of the year, to determine certainly whether this connexion can be made by a canal or not. The table land which divides the head waters of Blue river from those of the White Water is so high as to leave little ground for the expectation that a canal can be constructed on the direct route from the Central canal to the head of the White Water canal. Very little doubt is entertained, however, of the practicability of a canal by pursuing a more circuitous route and intersecting the White Water canal about eight miles below the National road.

The route of the canal upon the plan last mentioned, would probably be as follows, viz: diverging from the Central canal at or near Muncietown, the line will pass through a large wet prairie from which the water flows both into White river and Blue river, thence by New Castle and down the valley of Blue river, crossing the National road about one mile west of Middletown, thence in a south-easterly direction crossing Flat Rock about four miles south of the National road, and intersecting the White Water canal 3 or 4 miles above Connersville.

As a necessary part of this plan, a feeder will be constructed from White river about 8 miles below Winchester, intersecting the main line at the head of Blue river. The supply of water in dry seasons will be drawn chiefly from a reservoir which will probably be constructed on the wet prairie above named, at the head of Blue river, to be filled by the floods of White river drawn through the proposed feeder.

The total length of this canal as here described, will be, as nearly as can be estimated, not far from 50 miles, and the feeder 16 miles. It is thought that the distance from Connersville to Muncietown by this route will be 10 or 12 miles greater than by the direct route.

The summit level of the canal upon this plan will be 80 feet above the bottom of the canal at Muncietown, and about 160 feet above the White Water Canal at the proposed intersection, making the total lockage 240 feet.

It has been stated in the beginning of this report that the examinations already made were merely preparatory to an accurate survey, and for this reason no estimates of cost can now be given. The board at its late session adopted an order directing the principal Engineer on canals to cause the surveys and estimates necessary to determine the practicability and cost of a canal, to be made during the present season if possible. When the report of that officer shall be received, the whole subject will be laid before the legislature.

The undersigned are not aware that any legislation on this subject is required at the present time, to enable the Board to carry out the original design as set forth in the law of last session.

In answer to a further resolution of the Senate transmitted to this Board at the same time, requiring a "report of the amount of interest received in the year 1836 on canal lands," the undersigned have to state that the interest of that year from that source of revenue is \$21,278 94, which fact can also be seen by reference to the credits of the account of Samuel Lewis, in a report of this Board, bearing date 27th December last, heretofore submitted to the Senate.

Very respectfully submitted,

THOS. H. BLAKE,  
DAN'L YANDES.

The President laid before the Senate the following communication from the Secretary of State:

SECRETARY'S OFFICE,  
Indianapolis, Jan. 26, 1837. }

TO THE HON. DAVID WALLACE,

*President of the Senate of Indiana:*

SIR—A copy of a resolution requesting the Secretary of State to furnish the Senate with a certified copy of the joint resolution of the General Assembly of the state of Ohio, passed at their last session relative to the terms which the White Water canal could pass through her territory, has been handed me, and in answer to the call I would respectfully state that no such resolution is on file in this office. The only one I have any knowledge of is the one communicated by the Governor to both houses in his message at the commencement of the session, that copy I am informed by the late Secretary, was never in his possession.

Respectfully your obed't serv't,

WM. J. BROWN,  
*Secretary of State.*

On leave granted, Mr. Daily made the following report from the committee on the affairs of the State Prison, the amendments named in the report were concurred in, and

On motion of Mr. Daily the amendments were considered as engrossed and the bill read a third time and passed.

Mr. PRESIDENT—

The committee on the affairs of the State Prison to whom was referred a bill of the House of Representatives,

No. 163—To amend the act entitled an act for the regulation of the State Prison, have according to order had that subject under consideration, have made sundry amendments thereto which they have instructed me to report to the Senate and ask their concurrence therein.

Mr. Vawter, from the joint committee on enrolled bills, report that they have compared enrolled bills of the Senate of the following titles, viz:

No. 27—An act to amend an act entitled an act to provide for the commissioning of sheriffs and coroners, and to regulate their duties, approved January 7th, 1824;

No. 33—An act relating to state roads;

No. 42—An act to incorporate the Carroll county seminary;

An act to locate a state road from Russellville in Putnam county to Blakesburgh in the county aforesaid;

An act legalizing the sale of the south-east quarter of section 16 in congressional township No. 14, in Shelby county,

With the engrossed bills, and find the same truly enrolled.

On leave granted, Mr. Little made the following report:

Mr. PRESIDENT—

The select committee to whom was referred a bill to prevent the retailing of spiritous liquors upon the lines of the public works, have had the same under consideration, and have directed me to report the same back to the Senate with one amendment, which is to strike it out from the enacting clause, and insert the following:

Mr. Conwell moved to amend the amendment so as to make it penal to sell liquor to infants without the leave of their parents or guardians, which amendment was adopted, and the amendment of the committee as amended was concurred in; when,

On motion of Mr. Vawter the bill was amended as follows:

That all laws and parts of laws that come within the purview of this act be, and the same are hereby repealed.

On leave granted, Mr Vawter made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives entitled an act to extend the jurisdiction



and powers of the president and trustees of the town of Vernon, in the county of Jennings, have directed me to report the same back to the Senate without amendment.

The bill mentioned in the report was read a second time, and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a third time and passed.

On leave granted, Mr. Walker introduced the petitions of J. McClelland and Arthur McClure praying the passage of an act to remunerate certain persons for services rendered and money expended in detecting certain horse thieves, which were read, and

On motion of Mr. Walker referred to the committee on claims.

On motion of Mr. Beard two bills on the subject of amending the road laws were taken up and read a second time, and

On motion of the same gentleman referred to the committee on roads.

On leave granted, Mr. Boon made the following report:

Mr. PRESIDENT—

The select committee to whom a bill, No. 219, to amend an act entitled an act to regulate the mode of doing county business, approved February 7, 1835, report that they have had the same under consideration and have directed me to report it back to the Senate without amendment, the bill in said report mentioned was read a second time, and

On motion of Mr. Boon the rules of the Senate were dispensed with and the bill read a third time and passed.

On motion of Mr. Everts the rules of the Senate were dispensed with, and the bill to amend an act to incorporate the Michigan City and Kankakee Rail Road Company, was taken up, read a second time, and

On motion of Mr. Everts, referred to a select committee;

*Ordered*, That Messrs. Everts, Liston and Milroy be that committee.

On leave granted, Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill, No. 195, from the House of Representatives, entitled a bill authorizing Paul McCoon, William Avery, and E. F. Call to build a dam across the Wabash river, have considered the provisions of said bill, and have directed me to report an amendment thereto, in which the concurrence of the Senate is requested.

The amendments were concurred in and on motion considered as engrossed, the bill read a third time and passed, and

On motion, the Senate adjourned.

FRIDAY, JANUARY 27, 1837.

The Senate assembled.

Mr. Hamilton introduced the petition of John B. King and others, praying for the legalizing of the election of certain school trustees; which was referred,

On motion of Mr. Hamilton, to a select committee.

Ordered, That Messrs. Hamilton, Clark and Turman be the said committee.

Mr. Daily made the following report:

MR. PRESIDENT—

The committee on the affairs of the state prison, to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of extending the walls of said prison, so as to admit of the necessary number of cells, and such other regulations and extensions of said prison as are recommended by the visiter appointed by the executive, as provided by the 9th section of the act for the regulation of the state prison, approved Feb. 10, 1831, have according to order had this subject under their consideration, and have instructed me to report that legislation on this subject is not required at this time, inasmuch as the Senate have a bill under their consideration at this time, containing all the provisions sought for by this resolution, and ask to be discharged from the further consideration of this subject.

The committee were discharged.

Mr. Dumont made the following report:

MR. PRESIDENT—

The committee on education, to whom was referred the petition of M. Thorpe of Jennings county, have instructed me to report that legislation on the subject of the petition is unnecessary.

Mr. Dumont made the following report:

MR. PRESIDENT—

The committee on education, to which was referred a bill of the House of Representatives, for the formation of school districts in Shelby and Marion counties, have considered the same, and have instructed me to report, that in the law incorporating congressional townships and providing for public schools therein, passed the Senate at the present session, ample provision is made for the formation of school districts, to meet all cases that can be expected to arise, and inasmuch as

all special legislation should be avoided as far as possible; they therefore recommend the indefinite postponement of said bill.

The report was concurred in.

Mr. Dumont made the following report:

Mr. PRESIDENT—

The committee on education to which was referred the petition of sundry citizens of Putnam county, praying the passage of a law to give to each township of said county a branch of the county seminary, have instructed me to report that legislation on that subject is unnecessary.

*Ordered*, That the committee be discharged.

Mr. Claypool made the following report:

Mr. PRESIDENT—

The joint committee on public buildings, to whom was referred a bill of the House of Representatives, to preserve the fire engine at Indianapolis, have had the same under consideration, and made the following amendment, to-wit:

In the 3d section, 3d line, after the word "audit" strike out "the same," and insert in lieu thereof the following: "half the amount, the corporation of the town of Indianapolis paying the other half;" which they have directed me to report and ask the concurrence of the Senate.

The amendments were concurred in; and

On the question shall the bill be engrossed for a third reading?

*Those who voted in the affirmative are,*

Messrs. Brady, Clark, Claypool, Conwell, Daily, Hillis, Plummer, Sigler, Thompson of L., Thompson of J., and Vawter—11.

*And those who voted in the negative are,*

Messrs. Beard, Bell, Boon, Bradberry, Casey, Chambers, Cole, Collins, Crawford, Dobson, Dumont, Dunning, Elliott, Ewing, Fowler, Hackett, Hamilton, Hoagland, Kennedy, Liston, Little, Milroy, Moore, Morgan, Puett, Smith, Stanford, Stewart, Turman, Thompson of P., and Trask—31.

And so the bill was not engrossed for a third reading.

Mr. Plummer from the committee on corporations, to whom was referred a bill to incorporate the Lawrenceburgh and Napoleon turnpike company, reported it back without amendment; and

On motion of Mr. Conwell, it was recommitted to the judiciary committee.

**Mr. Vawter made the following report:**

The joint committee on enrolled bills report, that they did this day present to his Excellency the Governor, for his approval and signature, acts of the following titles, that originated in the House of Representatives, viz:

No. 11—An act changing the time of holding elections for township officers in the county of Warrick;

No. 37—An act to incorporate the St. Joseph manual labor institute;

No. 52—An act authorizing William McCartney, sen. and others to cut a race from the head of the Kankakee into the St. Joseph river;

No. 79—An act to incorporate the New Amsterdam manufacturing company;

No. 99—An act to incorporate the Williamsport Warren county bridge company;

No. 117—An act to amend the charter of the Vevay seminary;

No. 124—An act to legalize the election of a probate judge in Kosciusko county;

No. 133—An act to appropriate a part of the three per cent. fund in the county of Orange,

No. 144—An act to incorporate the Brookville insurance company;

No. 152—An act appropriating so much of the 3 per cent. fund as is now due to Greene county;

No. 156—An act to re-locate a part of the state road from Vincennes to Carlisle in Sullivan county;

No. 173—An act to change the name of the town of Danville to that of Fayetteville;

No. 175—An act to declare certain roads therein named state roads;

No. 179—An act declaring certain county roads in Owen county state roads;

Also acts of the Senate of the following titles, viz:

An act to incorporate the Indiana mutual fire insurance company;

An act for the formation of Pleasant Run school district in Carroll county.

**Mr. Collins made the following report:**

**Mr. PRESIDENT—**

The committee on corporations, to whom was referred the bill of the Senate, entitled a bill to incorporate the Mount Vernon insurance company, have according to order had the same under consideration, have made sundry amendments thereto, and have instructed me to report the same with the bill to the Senate, and ask that the amendments be concurred in, and that they be discharged from the further consideration of the subject.

The amendments were concurred in; and

On motion, considered as engrossed, the bill read a third time and passed.

**Mr. Hackett made the following report:**

**Mr. PRESIDENT—**

The select committee to which was referred bill No. 120, of the House of Representatives, to encourage the apprehension of horse thieves, and other fugitives from justice in the county of Washington, with instructions to inquire into the expediency of so amending said bill as to make said act general, have according to order had the same under consideration, and have instructed me to report the said bill back to the Senate without amendment, and submit for the consideration of the Senate the following resolution:

*Resolved*, That the said committee be instructed to report a bill with the same or similar provisions of the said bill, No. 120, to operate generally throughout the several counties in this state.

The report was concurred in; and

On motion, the bill was read a third time and passed.

**Mr. Kennedy made the following report:**

**Mr. PRESIDENT—**

The select committee to whom was referred the petition of sundry citizens of Henry and Delaware counties, praying the location of a state road from Knightstown to Yorktown, Cumberland and Hunting-ton, have considered the same and have directed me to report the following bill:

The bill in the report mentioned, was read a first time; and

On motion of Mr. Kennedy, the rules of the Senate were dispensed with, the bill read a second time; and

On motion of the same gentleman, the rules of the Senate were further dispensed with, and the bill read a third time and passed.

**Mr. Crawford made the following report from a select committee:**

**Mr. PRESIDENT—**

The committee to whom was referred the petition of a number of citizens of the counties of Elkhart and St. Joseph, praying the passage of a law declaring Banbango creek in said counties a public highway, from the mouth of said stream up to the main forks, have according to order had that subject under consideration, and have directed me to report the following bill:

The bill in the report mentioned, was read a first time; and

On motion of Mr. Crawford, the rules of the Senate were dispensed with, and the bill read a 2d time; and

On motion of Mr. Clark, the rules of the Senate were further dispensed with, and the bill read a 3d time and passed.

**Mr. Crawford made the following report:**

Mr. PRESIDENT—

The select committee to whom was referred the petition of a number of citizens of Gosben in Elkhart county, praying for a change of the name of said town to that of Burlington; also a remonstrance of a number of citizens of Gosben and vicinity, against any change of the name of said town, have had that subject under consideration, and deem a change of the name of said town at this time unnecessary; therefore your committee ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee were discharged. Mr. Everts made the following report:

Mr. PRESIDENT—

The committee on education to which was referred a bill to incorporate the Porter county seminary, have instructed me to report it back to the Senate without amendment.

The report was concurred in; and

On motion of Mr. Everts the rules of the Senate were dispensed with and the bill read a 3d time and passed.

On motion of Mr. Hamilton, the following message from the House of Representatives, was taken up:

A message from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed the engrossed bill of the Senate, entitled, an act incorporating congressional townships and providing for public schools therein, with sundry amendments;

In which they request the concurrence of the Senate.

And the amendments to the bill named in the message, were all concurred in, except the 2d amendment; which said amendment,

On motion of Mr. Dumont, the Senate disagreed to.

On motion of Mr. Morgan,

The previous orders of the day were suspended, and the bill to provide that recorders shall furnish clerks of circuit courts with a list of all lots and tracts of land, for which deeds have by them been recorded, was taken from the table, and

On motion of the same gentleman, amended as follows:

Strike out the 12th 13th, and 14th lines and the three first words of the 15th line, and insert in lieu thereof the following:

The board doing county business shall make him such allowance as they may deem just and reasonable; and

On motion of Mr. Morgan, the rules of the Senate were dispensed with, the amendment considered as engrossed, and the bill read a third time and passed.

On leave granted, Mr. Clark introduced a bill to authorize the board of internal improvement to change the location of state and county roads in certain cases, and for other purposes;

Which bill was read a first time, and

On motion of Mr. Clark, the rules of the Senate were dispensed with, the bill read a second time, and

On motion, referred to the committee on canals and internal improvements.

On leave granted, Mr. Kennedy introduced a bill to authorize Andrew Waymire to build a mill dam at Barren's Island in the Wabash river, was read a 1st time, and

On motion of Mr. Kennedy, the rules of the Senate were dispensed with, and the bill read a 2d and 3d time and passed.

On motion of Mr. Milroy,

The rules of the Senate were dispensed with, and the bill to amend the act entitled an act to provide for a general system of internal improvements taken from the table, and the amendment of the committee was concurred in.

Mr. Clark moved to indefinitely postpone the bill; and

On the question shall the bill be indefinitely postponed?

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Chambers, Clark, Claypool, Cole, Collins, Dunning, Elliott, Hackett, Hamilton, Hillis, Liston, Little, Moore, Plummer, Sigler, Stafford, Stanford, Thompson of L., Thompson of J., and Vawter—22.

*And those who voted in the negative are,*

Messrs. Bell, Boone, Brady, Casey, Colerick, Conwell, Crawford, Daily, Dobson, Dumont, Everts, Ewing, Fowler, Hoagland, Kennedy, Milroy, Mitchell, Morgan, Puett, Smith, Stewart, Turman, Thompson of P., Trask, and Walker—25.

And so it was not indefinitely postponed.

And on the question shall the bill be engrossed for a 3d reading?

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Brady, Casey, Colerick, Conwell, Crawford, Daily, Dobson, Dumont, Everts, Ewing, Fowler, Hoagland, Kennedy, Milroy, Mitchell, Moore, Morgan, Puett, Smith, Stewart, Turman, Thompson of P., Trask and Walker—26.

*And those who voted in the negative are,*

Messrs. Beard, Bradberry, Chambers, Clark, Claypool, Cole, Collins, Dunning, Elliott, Hackett, Hamilton, Hillis, Liston, Little, Plummer, Sigler, Stafford, Stanford, Thompson of L., Thompson of J., and Vawter—21.

So the bill was engrossed for a third reading.

Mr. Elliott, from the committee on enrolled bills, reports,

That they did on this day, present to His Excellency the Governor, for his approval and signature the following bills which originated in the Senate:

No. 27—An act to amend an act entitled an act to provide for the commissioning sheriffs and coroners, and to regulate their duties, approved January 7th, 1824;

No. 209—An act to regulate the jurisdiction and duties of justices of the peace in the county of Hancock;

An act legalizing the sale of the south-east quarter of section sixteen, in congressional township No. 14, in Shelby county;

No. 42—An act to incorporate the Carroll county seminary;

An act to locate a state road from Russellville in Putnam county, to Blakesburgh in the county aforesaid;

No. 33—An act relating to state roads;

No. 20—A joint resolution relative to the appointment of a commissioner to adjust the boundary line between the states of Ohio and Indiana.

On motion of Mr. Dobson, the previous orders of the day were suspended, and the bill supplemental to an act to provide for a general system of internal improvement, and the accompanying report of the committee on canals and internal improvements were taken from the table, and on motion of Mr. Dobson the bill and report were laid on the table.

On leave granted, Mr. Sigler introduced a petition signed by Wm. E. Talbott, Wm. B. Gwathmy, George Secrest and others, on the subject of appointing an agent for loaning the surplus revenue; which, on motion of same gentleman, was laid on the table, and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Vawter, from the joint committee on enrolled bills, made the following report:

The joint committee on enrolled bills report, that they have compared bills of the following titles that originated in the Senate, viz:

An act to change the name of Jamestown in Henry county, to that of New Lisbon;

An act to amend an act entitled an act to establish a state road from Rome, Perry county, to Jasper in Dubois county, approved February 1835, with the engrossed, and find the same truly enrolled.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House of Representatives has receded from its second amend.



ment to the engrossed bill of the Senate, entitled an act incorporating congressional townships and providing for public schools therein.

Mr. Thompson of P., from the committee on corporations, reported, that they have examined the bill referred to them, entitled a bill to incorporate the Mount Carmel and New Albany Rail Road Company, and have instructed me to report it with the several amendments made by them, and ask the concurrence of the Senate.

The amendments were concurred in, except the one requiring the proviso in the 2d section, to be stricken out, which was disagreed to.

Mr. Mitchell moved to indefinitely postpone the bill.

Mr. Thompson moved to lay it on the table, which was agreed to.

Mr. Daily made the following report:

Mr. PRESIDENT—

The select committee to whom was referred an engrossed bill of the House of Representatives No. 32, have according to order, had that subject under consideration, have amended it by adding two additional sections, which they have instructed me to report to the Senate, and ask their concurrence in the bill entitled an act to amend the act incorporating the Jeffersonville and New Albany Canal Company.

The amendments were concurred in, and, on motion of Mr. Daily, considered as engrossed, the bill read a third time and passed.

On motion, the Senate adjourned.

SATURDAY, JANUARY 28, 1837.

The Senate assembled.

Mr. Clapyool gave notice that he would, on Monday next, move to amend the rule of the Senate requiring it to meet at 9 o'clock, A. M. and 2 o'clock P. M., as follows:

*Resolved*, That the Senate will, during the remaining part of the session, meet at half past eight o'clock, A. M. and half past 1 o'clock, P. M., on each day, for the transaction of business.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate, entitled as follows:

No. An act to incorporate the the Wabash and Lafayette bridge company, without amendment.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

**Mr. PRESIDENT—**

The House of Representatives has concurred in the amendments of the Senate to the engrossed bill of the House of Representatives, entitled.

No. 149—An act to incorporate the town of Bloomfield.

The House of Representatives have receded from their amendments to the bill of the Senate entitled

No. 38—An act to establish a certain state road therein named, in the counties of Perry, Crawford, and Orange.

The House of Representatives has passed engrossed bills of the Senate, entitled as follows:

No. An act to establish and re locate certain state roads therein named, and for other purposes;

An act to authorize a change in part of the State road from Mooresville, by Danville, to Crawfordsville; and

An act supplemental to an act entitled an act authorizing the commissioner of the Michigan road to correspond with the commissioner of the General Land office, in order to have the title perfected to the State of Indiana to the Michigan road grant, and for other purposes, app. January 20, 1837;

The first with, and the two latter without amendments.

The House of Representatives has also passed engrossed bills of the House, entitled as follows, to-wit:

No. 125—An act to authorize the board of commissioners of Washington county to fund at interest certain monies herein named, and for other purposes.

No. 273—An act to incorporate the Hendricks county seminary;

No. 292—An act amendatory of an act entitled an act to amend the charter and define the powers and duties of the president and trustees of the town of Evansville; approved, Feb. 8, 1836; and

No. 293—An act to incorporate the Richmond trading and manufacturing company,

In which engrossed bills of the House the concurrence of the Senate is requested.

The Senate concurred in the amendments to the bill in the message entitled an act to establish and re-locate certain state roads therein named, and for other purposes.

The bill No. 125 in the message, entitled an act to authorize the board of commissioners of Washington county to fund at interest certain monies herein named, and for other purposes, was read a first time; and

On motion of Mr. Hackett, the rules were dispensed with, and the bill was read the second time, and referred to the judiciary committee.

The bill No. 273 in the message, entitled an act to incorporate the Hendricks county seminary, was read a first time; and

On motion of Mr. Vawter, the rules were dispensed with, and

the bill was read the second time, and referred to the committee on education.

The bill No. 292, in the message, entitled an act amendatory of an act entitled an act to amend the charter and define the powers and duties of the president and trustees of the town of Evansville, approved, Feb. 8, 1836, was read the first time; and

On motion of Mr. Casey, the rules were dispensed with, and the bill was read the second time, and referred to the judiciary committee.

The bill No. 293 in the message, entitled an act to incorporate the Richmond trading and manufacturing company, was read a first time; and

On motion of Mr. Bradberry, the rules of the Senate were dispensed with, and the bill was read the second time and referred to the committee on corporations.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the House entitled

A bill to provide for the construction of a bridge over the West Fork of White Water river at Connersville,

In which the concurrence of the Senate is requested.

The bill No. 269 in the above message, was read the first time, and

On motion of Mr. Claypool, the rules were dispensed with, and the bill was read the second time and referred to a select committee.

*Ordered,* That Messrs. Claypool, Morgan, and Conwell be said committee.

The following message was received from the Governor, by Mr. Maguire, his private Secretary:

Mr. PRESIDENT—

The Governor has approved and signed acts and a joint resolution entitled as follows, viz:

An act to regulate the jurisdiction and duties of justices of the peace in Hancock county;

An act legalizing the sale of the south east quarter of section 16, in congressional township No. 14, in Shelby county;

An act to incorporate the Carroll county seminary;

An act to locate a state road from Russelville in Putnam county to Blakesburgh in the county aforesaid;

An act to amend an act entitled an act to provide for the commissioning of sheriffs and coroners and to regulate their duties, app. Jan. 7, 1824;

An act for the formation of Pleasant Run school district in Carroll county;

An act appropriating the three per cent fund in Orange county; &  
A joint resolution relative to the appointment of a commissioner to  
adjust the boundary line between the States of Ohio and Indiana.

The following message was received from the House of Representatives:

MR. PRESIDENT—

I am directed by the House to inform the Senate that they have passed an engrossed bill of the House, No. 150, entitled an act to provide for the improvement of the Michigan road north of Indianapolis, and for other purposes;

Bill No. 235—To provide for the construction of a lock in or near the pool dam near Dephi;

In which bills of the House the concurrence of the Senate is requested.

The bill in the message No. 150, entitled an act to provide for the improvement of the Michigan road north of Indianapolis, and for other purposes, was read a first time, and

On motion of Mr. Vawter, the rules were dispensed with and the bill was read a second time.

Mr. Smith moved to amend the bill by striking out "north of Indianapolis," and inserting as follows: "Beginning at Madison, and thence running north; and

On the question shall it be so amended?

*Those who voted in the affirmative are,*

Messrs. Brady, Casey, Daily, Dobson, Dumont, Fowler, Hillis, Morgan, Plummer, Puett, Smith, and Walker—12.

*And those who voted in the negative are,*

Messrs. Beard, Bell, Boone, Bradberry, Chambers, Claypool, Cole, Colerick, Collins, Crawford, Dunning, Elliott, Everts, Ewing, Hackett, Hamilton, Hoagland, Kennedy, Liston, Little, Milroy, Mitchell, Moore, Sigler, Stafford, Stanford, Stewart, Turman, Thompson of L., Thompson of J., and Vawter—31.

So the motion was lost.

Mr. Fowler moved to strike out "Indianapolis," and insert "Napoleon," and

On the question, shall it be so amended?

*Those who voted in the affirmative are,*

Messrs. Boone, Daily, Dobson, Dumont, Fowler, Hillis, Little, Morgan, Plummer, Puett, Smith, Stanford and Walker—13.

*And those who voted in the negative are,*

Messrs. Beard, Bell, Bradberry, Brady, Chambers, Cole, Colerick, Collins, Crawford, Dunning, Elliott, Everts, Ewing, Hackett, Hamilton, Hoagland, Kennedy, Liston, Milroy, Mitchell, Moore, Sigler, Stafford, Stewart, Turman, Thompson of L., Thompson of J., Trask, and Vawter—29.

So the motion was decided in the negative.

Mr. Smith moved to strike out that part of the bill which authorizes the pay of the survey to be taken out of the Michigan road fund; which was not agreed to, and

On motion of Mr. Ewing, the bill was then read a third time and passed.

The bill No. 235 in the message, to provide for the construction of a lock in the pool dam near Delphi, was read a first time, and

On motion of Mr. Thompson of L., the rules of the Senate were dispensed with, and the bill was read a second time and laid on the table.

On leave granted, Mr. Boone introduced a bill supplemental to an act entitled an act to provide for a general system of internal improvements, which was read a first time, and

On motion of Mr. Boone the rules of the Senate were dispensed with, and the bill read a second time; and

On motion of Mr. Thompson of L., referred to the committee on canals and internal improvements.

Mr. Brady presented the petition of Elijah Dawson, and others, proprietors of lands upon and near the line of the central canal, praying for an amendment to the act providing for a general system of internal improvements; which was,

On motion of Mr. Brady, referred to the committee on canals and internal improvements.

Mr. Beard presented the petition of Thomas Armstrong and others, citizens of Parke and Montgomery counties, praying that the town of Waveland be made a point in the Terre Haute and Crawfordsville turnpike road; which,

On motion of Mr. Beard, was laid on the table.

Mr. Chambers presented the petition of David Jones and others, praying that the election of Moses Tell, as school commissioner in town 3, north of range 2 west, may be legalized; which was,

On motion of Mr. Chambers, referred to a select committee.

Ordered, That Messrs. Chambers, Thompson of L., and Hackett be that committee.

Mr. Colerick presented the petition of Simon Edsall and others, citizens of Allen and Whitley counties, praying for a state road from some point on the little St. Joseph river, by way of Blair's mill, and Kraco, to intersect the state road leading from Huntington to Goshen; which was,

On motion referred to a select committee.

*Ordered*, That Messrs. Colerick, Liston, and Crawford be said committee.

Mr. Thompson of P., presented the petition of Joseph Springer and others, citizens of Orange county, praying for the opening of a state road from Borer's ferry on the Ohio river, to the residence of Hiram Hobbs, in the direction of Vincennes; which was,

On motion, referred to the committee on canals and internal improvements.

Mr. Hillis, from the committee of ways and means, made the following report:

MR. PRESIDENT—

The committee of ways and means to whom was referred a resolution of the Senate instructing them to inquire into the expediency of amending the law now in force, regulating the vending of wooden clocks, have had the subject under consideration, and have directed me to report that it is inexpedient at this time to legislate on that subject, and ask to be discharged from the further consideration thereof.

The committee was thereupon discharged.

Mr. Hillis made the following report:

MR. PRESIDENT—

The committee of ways & means to whom was referred a resolution of the Senate instructing them to inquire into the expediency of so amending the revenue laws that the provisions of each family which may be necessary for such family, and in their possession at the time of the assessment of other property, shall be exempt from taxation, have according to order, had the same under consideration, and have directed me to report that it is unnecessary to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

The committee was thereupon discharged.

Mr. Thompson of L., from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred an engrossed bill of the House of Representatives, No. 161, entitled a bill to legalize the deed of donation made by Peter C. Vanslyke, to the town of Bloomfield, and for other purposes, have had the same under consideration and have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The bill in the report above mentioned, was read a third time and passed.

Mr. Thompson of L. made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the engrossed joint resolution of the House of Representatives, No. 115, entitled a joint resolution on the subject of revising the laws, have directed me to report the same back to the Senate, and recommend that it be laid upon the table.

The joint resolution in the report above mentioned, was accordingly laid on the table.

Mr. Thompson of L. made the following report.

Mr. PRESIDENT—

The judiciary committee to whom was referred the bill of the Senate, No. 48, entitled a bill amendatory of an act entitled an act relative to crime and punishment, approved February 10, 1831, have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The bill in the report above mentioned, was ordered to be engrossed for a third reading.

Mr. Thompson of L. made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the engrossed bill of the House of Representatives, No. 223, entitled a bill relative to crime and punishment, have had the same under consideration, and have directed me to report it back to the Senate and recommend its indefinite postponement.

Which was concurred in.

Mr. Thompson of L. made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the bill of the Senate, No. 50, entitled a bill to declare the law now in force on the subject of granting license to vend foreign merchandize, and to retail spiritous liquors, have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

Mr. Crawford moved to amend the bill above mentioned, as follows:

SEC. But it is hereby provided, that hereafter it shall not be necessary that resident merchants or owners of dry goods and groceries, (ardent spirits excepted) to take out a license in any county, after one years residence in said county as such. However, any person or persons who have not been residents for the term of time as above specified, every such person or persons shall be liable to pay a license for one

year foreach and every time he, she or they may attempt to sell or vend foreign merchandize within the limits of this state;

Which proposed amendment was not agreed to.

Mr. Conwell moved to amend the bill as follows:

That in those counties where merchants have not taken out licenses, and where the law has been construed to have been repealed by an act providing for an equitable mode of levying the taxes of this state, approved Feb. 8, 1836, shall still have the right to pay said license, and thereby be exempt from indictment for failure so to do at the proper time: *Provided* they shall take out said license within thirty days after the publication of this act.

Which proposed amendment was not agreed to.

Mr. Crawford moved to lay the bill on the table;

Which was not agreed to.

Mr. Crawford moved to strike out the word not in the — section of the bill;

Which was not agreed to.

The bill was then read the third time; and

On the question, shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Boon, Bradberry, Brady, Casey, Claypool, Dobson, Dumont, Dunning, Everts, Hamilton, Hillis, Kennedy, Liston, Mitchell, Moore, Morgan, Plummer, Smith, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., Vawter, and Walker—26.

*Those who voted in the negative are,*

Messrs. Beard, Bell, Chambers, Clark, Cole, Colerick, Collins, Conwell, Crawford, Daily, Elliott, Fowler, Hackett, Hoagland, Little, Puett, Sigler, Stafford, and Trask—19.

So the bill passed.

Mr. Thompson of L., Made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 191, entitled a bill relating to corporations, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its indefinite postponement.

Which was concurred in, Mr. Kennedy dissenting.

Mr. Thompson of L. made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the bill of the Senate, entitled a bill to amend the 34th section of an act relative to crime and punishment, approved Feb. 10, 1831, have directed me to report



the same back to the Senate, and recommend the following amendment:  
Strike out in the 8th, 9th and 10th lines, the words "or for the purpose of transporting the same to the state of Illinois;"

Which amendment was concurred in.

On motion of Mr. Everts,

The rules were dispensed with, and the bill read a 3d time; and

On the question shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Brady, Chambers, Claypool, Cole, Colerick, Conwell, Daily, Dumont, Dunning, Elliott, Everts, Ewing, Hackett, Hillis, Hoagland, Kennedy, Liston, Little, Milroy, Mitchell, Plummer, Sigler, Stanford, Thompson of P., and Walker—27.

*Those who voted in the negative are,*

Messrs. Bell, Boon, Casey, Clark, Collins, Crawford, Dobson, Fowler, Hamilton, Morgan, Puett, Smith, Stafford, Stewart, Turman, Thompson of L., Thompson of J., Trask and Vawter—19.

So the bill passed.

Mr. Elliott from the judiciary committee, made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred a bill of the House, No. 29, to incorporate the Madison and Lawrenceburgh hotel companies, have had the same under consideration and report it back again without amendment and ask to be discharged from the further consideration thereof.

The bill was then read the third time and passed.

Mr. Collins from the judiciary committee, made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred an engrossed bill of the House of Representatives, No. 58, entitled an act to incorporate the Lawrenceburgh and Napoleon turnpike company, have had the same under consideration and have instructed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

On motion, the bill was laid on the table.

Mr. Dunning from the judiciary committee made the following report:

**MR. PRESIDENT—**

The judiciary committee to whom was referred a bill entitled a bill to authorize certain persons therein named to erect a dam across the East fork of White river in Lawrence county, have had the same under consideration and have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The bill in the report above named was then read the third time and passed.

Mr. Thompson of P., from the committee on corporations, made the following report:

**MR. PRESIDENT—**

The committee on corporations to which was referred a bill of the House of Representatives No. 24, have duly examined it and instructed me to report it with one amendment, to which their concurrence is asked.

Amend 6th section by adding "so as not to obstruct the navigation, and the state reserves the right of improving the navigation thereof in any manner deemed expedient hereafter."

The bill in the report above mentioned, was then read a third time and passed.

Mr. Dumont made the following report:

**MR. PRESIDENT—**

The committee on corporations to which was referred the bill to incorporate the Patriot Turnpike Company, have had the same under consideration, and have directed me to report the same back without amendment.

The bill in the report above named, was then read the third time and passed.

On leave granted, Mr. Liston introduced a bill entitled, a bill in addition to the laws regulating the granting of divorces and alimony, which was read a first time, and on motion of Mr. Liston, the rules of the Senate were dispensed with, the bill was read a 2d time and referred to the judiciary committee.

Mr. Clark from the committee on canals and internal improvements, made the following report:

**MR. PRESIDENT—**

The committee on canals and internal improvements, to whom was referred a bill to incorporate the Crawfordsville and Terre-Haute Turnpike company, have considered said bill, and have directed me to report it to the Senate without amendment.

The bill in the report above named, was then read the third time and passed.

Mr. Stewart made the following report:

MR. PRESIDENT--

The select committee to whom was referred an engrossed bill of the House of Representatives No. 60, entitled a bill to change the mode of doing county business in the county of Gibson, have according to order had the same under consideration, made two amendments thereto, which they have instructed me to report to the Senate with said bill, and ask that said amendments be concurred in, and to be discharged from the further consideration thereof.

The bill in the report above named, was then read the third time and passed.

Mr. Dunning made the following report:

MR. PRESIDENT--

The select committee to which was referred the petition of Wesley Whitson, asking for the formation of a congressional school district, have had the same under consideration, and have directed me to report; that inasmuch as ample provision is already made in the bill incorporating congressional townships, and providing for public schools therein, which has passed the legislature during the present session, legislation on the subject matter of the petition, is at this time inexpedient;

Which was concurred in.

Mr. Bell made the following report:

MR. PRESIDENT--

The select committee to which was referred the bill No. 69, to appropriate a part of the 3 per cent. fund in the county of Hancock, and for other purposes, have according to order had that subject under consideration and have directed me to report to the Senate with one amendment, and ask their concurrence.

The amendment was concurred in, and the bill was read a third time and passed.

Mr. Vawter made the following report:

MR. PRESIDENT--

The committee on education to which was referred the papers, called for by a resolution of the Senate, on which the Executive has authorized a remission of fines and forfeitures, now report;

That they have examined all the papers submitted to their care and inspection under a resolution of the Senate; and, while the committee are disposed to admit, that the constitution of the State has wisely vested the sole power in the Executive of remitting fines and forfeitures, and of granting reprieves and pardons; and although the committee admit that the Legislature cannot, and the committee believe the Legislature do not wish to divest the Executive of any of his constitu-

tional prerogatives, by any legislative enactment. At the same time, it is believed, that the Executive would at all times, under our popular form of government, be disposed to take counsel of the immediate representatives of the people. Under this view of the subject, the committee are strongly inclined to believe that the examination of the papers submitted to the committee, will afford the Executive, at this, and all other times, when examined, an expression of public opinion, rather than the evidence of a wish on the part of the Legislature, to interfere with a co-ordinate branch of the Government. It affords the committee great pleasure in saying that, on examination of the papers for the five years last past, there is much to approve, and nothing to condemn, on the part of the Executive. It does appear on the examination of the papers, that the Executive has used his discretionary power in conformity with the genius and spirit of our free institutions. In many cases the remissions of fines and forfeitures, were at the instance of the Judges and Justices of the Peace who rendered the judgment or forfeiture of recognizance, or imposed fines in compliance with the penal statutes of the state. There are a number of other cases in which large petitions of the people have accompanied the prayer of the individual who asked for the Executive favor. And comparatively but few cases in which a fine or forfeiture to the State has been remitted by the executive, without a recommendation of the authority that imposed such fine or forfeiture, or accompanied by petition of the sovereign people calling for such remission. And here the committee will take the liberty to say that they do consider it highly creditable to the character of the State, that there are comparatively so few cases of an aggravated nature within the State—a state of some six or seven hundred thousand souls, your committee consider the number so very small, when spread over such an extensive tract of country, as to speak in the strongest possible terms favorable to the virtue and morals of the people of the State.

The committee are of opinion that an examination into the superstructure and machinery of our State Government, cannot fail to bring every friend within the limits of the State, who may critically examine the same, to admire that system of government under which they live, and cannot fail to secure for the State a high character in the estimation of the wise and the good everywhere, who may have a knowledge of the mildness of the laws of our adopted State. At the same time the observer cannot fail to see, that no infraction of the law will be overlooked by those who are intrusted with the administration of justice and the execution of the laws.

In order that the Senate and country may have a correct knowledge of the number of cases that have been presented to the Executive for the exercise of that clemency, with which the Executive is vested by the constitution.

The committee have prepared in tabular form, a table exhibiting each and every class of cases found amongst the papers examined by the committee.

The committee ask to be discharged from the further consideration of the subject, and that the papers be returned to the office of the Secretary of State.

TABLE OF REMISSIONS OF FINES BY THE EXECUTIVE.

THE NATURE OF THE CASES.	1832	1833	1834	1835	1836	Total
Affrays	2	1	1	1	1	6
Adultery	1			3		4
Assault and Battery	7	7	7	16	8	46
Aiding and advising to fight			1			1
Abuse of apprentices			1			1
Bastardy	1					1
Breach of the peace		2		1		3
Betting on elections &c.			1		1	2
Burglary	1					1
Contempt of court					2	2
Drunkenness			1			1
Forcible entry and detainer			1			1
Fornication	1					1
Felony and false swearing	1				1	2
Failing to return marriage license		1	2			3
Gambling	2	3	3	2	4	14
Fighting				1		1
Giving spirits to C. B. S.				1		1
Ill treatment to schollars		1				1
Larceny	1	1		1		3
Militia fines	7	10	6	6	3	32
Nuisance				1		1
Obstructing highway and navigation		1		1		1
Obstructing legal process		1				1
Official negligence			1		1	2
Profane swearing	12	15	13	8	13	61
Recognizance forfeited	9	11	9	17	15	61
Retailing spirits without license	1					1
Rioting		1	1	1		3
Rape			1			1
Robbery				1		1
Selling spirits to Indians		1				1
Stealing pigs				1		1
Simple Mahen				1		1
Theft					1	1
Unknown cases		1	1	1		3
Selling unsound provisions			1			1
Usury				1	1	2
Violating stray law		1	1			2
Voting twice at election					1	1
Total	46	58	52	65	52	

Mr. Thompson of L. made the following report:

MR. PRESIDENT—

The select committee to which was referred an engrossed bill of the House of Representatives, No. 233, entitled an act to provide for distributing so much of the surplus revenue of the United States as the state of Indiana may be entitled to, by virtue of an act of Congress, approved 23d June, 1836, have had the same under consideration and have directed me to report the same back to the Senate, and recommend that it be stricken out from the enacting clause, and the following sections inserted in lieu thereof,

Which was laid on the table, and

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

On motion of Mr. —, the bill on the subject of the three per cent. fund was taken from the table, and the consideration of it postponed until Monday next.

On motion of Mr. Thompson of L., the bill on the subject of a pool dam near Delphi, was taken up, read a second time, and  
On motion of same gentleman the rules of the Senate were dispensed with, the bill read a third time and passed.

On motion of Mr. Mitchell the bill to incorporate the Mount Carmel and New Albany Rail Road Charter was taken from the table.

Mr. Mitchell moved to reconsider the vote taken on the amendment to the bill as proposed by the committee on corporations, which was to strike out the proviso in the second section,

Which was agreed to;

And on the question shall the said amendment be concurred in? it was decided in the affirmative; and

On motion the amendments were considered as engrossed, the bill read a third time,

And on the question shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Bradberry, Brady, Casey, Clark, Claypool, Collins, Conwell, Crawford, Daily, Dumont, Dunning, Fowler, Hillis, Hoagland, Little, Mitchell, Morgan, Plummer, Puett, Stanford, Stewart, Turman, Thompson of P., Trask, Vawter and Walker—28;

*Those who voted in the negative are,*

Messrs. Chambers, Cole, Dobson, Elliott, Hamilton, Kennedy, Moore, Sigler, Smith, Thompson of L., and Thompson of J.,—11;  
So said bill passed.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House has passed engrossed bills of the Senate entitled as follows, to-wit:

An act to amend an act entitled an act to establish a state road from Rome in Perry county to Jasper in Dubois county, approved February 1835;

No. 72—An act to change the name of Jamestown, in Henry county, to that of New Lisbon, each without amendment.

The House of Representatives has passed engrossed bills of the House of Representatives, entitled as follows, to-wit:

No. 246—An act to amend an act entitled an act to incorporate Michigan City;

No. 288—An act authorizing the school commissioners to draw from the state treasury certain moneys thereing named;

No. 301—An act granting to the citizens of Madison a city charter;

No. 320—An act to incorporate the Philomath turnpike company;

No. 312—An act to incorporate the Lafayette and Michigan City turnpike company;

No. 321—An act to authorize Richard M. Kirk to raise his mill dam three feet higher;

No. 328—An act to incorporate the Eel river bridge company;

No. 332—An act to provide for the sale of lots belonging to the Michigan road fund;

No. 333—An act appropriating a part of the three per cent. fund in the counties therein named, and for other purposes;

No. 240—An act authorizing the guardian of the heirs of Edward Elliott, dec., to sell real estate therein named;

No. 242—An act to increase the capital stock of the Lawrenceburgh bridge company;

No. 243—An act authorizing the county board of Dearborn county, to levy tax for building bridges and improving roads in said county;

No. 247—An act to vacate a part of two state roads in the county of Parke,

No. 250—An act to change the road commissioner on the state road from Jehu Perkins', in Rush county, to Napoleon, in Ripley county; and

No. 290—An act to provide for the establishment of titles to lots in the town of Merom, Sullivan county;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the following titles, to-wit:

An act legalizing the sale of the south-east quarter of section 16 in congressional township No. 14, in Shelby county,

An act to locate a state road from Russellsville in Putnam county to Blakesburgh in the county aforesaid;



No. 20—A joint resolution relative to the appointment of a commissioner to adjust the boundary line between the states of Ohio and Indiana;

No. 27—An act to amend an act entitled an act to provide for the commissioning of sheriffs and coroners, and to regulate their duties, approved January 7th, 1824;

No. 33—An act relating to state roads;

No. 42—An act to incorporate the Carroll county seminary;

And also an enrolled bill of the House of Representatives,

No. 209—An act to regulate the jurisdiction and duties of justices of the peace, in the county of Hancock.

I am directed to bring them to the Senate for the signature of the President thereof.

Bill of the House of Representatives, No. 216, entitled an act to amend an act to incorporate Michigan City, was read a first time, and

On motion of Mr. Liston the rules of the Senate were dispensed with, the bill read a second time and referred to the judiciary committee.

Bill of the House, No. 301, entitled an act granting to the citizens of Madison a city charter, was read a first time, and

On motion of Mr. Hillis the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Clark, referred to the Judiciary committee.

Bill of the House, No. 288, entitled an act authorizing the school commissioners to draw from the state treasury certain moneys therein named, was read a first time, and

On motion of Mr. Clark, the rules of the Senate were dispensed with, the bill read a second time, and referred to the judiciary committee.

Bill of the House, No. 320, entitled an act to incorporate the Philomath turnpike company, was read a first time, and

On motion of Mr. Claypool the rules of the Senate were dispensed with, the bill read a second time and referred to the judiciary committee.

Bill of the House, No. 312, entitled an act to incorporate the Lafayette and Michigan City turnpike company, was read a first time,

On motion of Mr. —, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on corporations.

Bill of the House, No. 321, entitled an act to authorize Richard M. Kirk to raise his mill dam three feet higher, which was read a first time, and

On motion of Mr. Stewart, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Bill of the House, No. 323, entitled an act to incorporate the Eel river bridge company, was read a first time, and

On motion of Mr. Clark, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Dobson, referred to the committee on corporations.

Bill of the House, No. 332, entitled an act to provide for the sale of tools belonging to the Michigan road fund, was read a first time, and

On motion of Mr. Boon, the rules of Senate were dispensed with; the bill read a second time, and

On motion of Mr. Brady, the rules were further dispensed with, the bill read a third time and passed.

Bill of the House, No. 333, entitled an act appropriating a part of the three per cent. fund in the counties therein named, and for other purposes; was read a first time, and

On motion of Mr. Collins, the rules of the Senate were dispensed with, the bill read a second time, and referred to a select committee;

*Ordered*, That Messrs. Collins, Mitchell, and Chambers be the said committee.

Bill of the House, No. 242, entitled an act to increase the capital stock of the Lawrenceburgh bridge company, was read a first time, and

On motion of Mr. Plummer the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Bill of the House, No. 240, entitled an act authorizing the guardians of the heirs of Edward Elliott, deceased, to sell real estate therein named, was read a first time, and

On motion of Mr. Claypool the rules of the Senate were dispensed with, the bill read a second time and referred to the judiciary committee.

Bill of the House, No. 243, entitled an act authorizing the county board of Dearborn county to levy tax for building bridges and improving roads in said county, was read a first time, and

On motion of Mr. Plummer the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Bill of the House, No. 247, entitled an act to vacate a part of the state road in the county of Parke, was read a first time, and

On motion of Mr. Boon the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Puett the rules of the Senate were further dispensed with, the bill read a third time and passed.

Bill of the House, No. 250, entitled an act to change the road commissioner on the state road from Jehu Perkins', in Rush county, to Napoleon in Ripley county, was read a first time, and

On motion of Mr. Fowler the rules of the senate were dispensed with, the bill read a second and third time and passed.

Bill of the House, No. 290, entitled an act to provide for the establishment of titles to lots in the town of Merom, Sullivan county, was read a first time, and

On motion of Mr. Boon the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Clark referred to said committee.

The President having signed the enrolled bills in the message men-

tioned, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Vawter made the following report:

MR. PRESIDENT—

The committee on enrolled bills report that they did this day present to his excellency the Governor, for his approval and signature, bills of the following titles which originated in the Senate, viz:

An act to change the name of Jamestown, in Henry county to that of New Lisbon;

An act to amend an act entitled an act to establish a state road from Rome, Perry county to Jasper, in Dubois county, approved February, 1835.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill of the House of Representatives,

No. 248—Entitled an act to amend an act to incorporate the Ohio and Indianapolis rail road company;

In which they request the concurrence of the Senate.

The bill, No. 248, in the message mentioned, was read a first time, and

On motion of Mr. Daily the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Hoagland, the rules were further dispensed with, the bill read a third time and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House, entitled

No. 317—A joint resolution for the benefit of certain French inhabitants in and near Vincennes;

In which the concurrence of Senate is most respectfully requested.

The bill, No. 317, in the message mentioned, was read a first time, and

On motion of Mr. Moore, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

The following message was received from the House of Representatives:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Sen-

ate that they have passed a bill of the House, No. 244, divorcing Amanda M. Smith from her husband Richard P. Smith;

In which they ask the concurrence of the Senate.

Mr. Kennedy moved to reject the bill, No. 244, in the message mentioned, it having been read a first time,

And on the question shall the bill be rejected?

*Those who voted in the affirmative are,*

Messrs. Boone, Clark, Colerick, Collins, Conwell, Crawford, Dumont, Hamilton, Kennedy, Liston, Little, Mitchell, Puett, Stafford, Stanford, Thompson of L., and Trask—17;

*And those who voted in the negative are,*

Messrs. Beard, Bell, Bradberry, Brady, Casey, Chambers, Claypool, Cole, Daily, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hillis, Hoagland, Milroy, Moore, Morgan, Sigler, Smith, Stewart, Turman, Thompson of P., and Vawter—28.

And so the bill was not rejected;

The bill was passed to a second reading.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has receded from its amendment to the bill of the Senate entitled an act to incorporate the Eel river manufacturing company;

The House of Representatives has concurred in the amendments of Senate to the engrossed bills of the House,

No. 116—An act to regulate the jurisdiction of Justices of the peace in the counties of Tippecanoe, Orange and Warren;

No. 234—An act to incorporate the New Albany guards; and

No. 171—An act to incorporate the Washington Hall company;

The House of Representatives has passed an engrossed bill of the House,

No. 165—An act for the preservation of the state house, and for other purposes;

In which the concurrence of Senate is requested;

The bill, No. 165, in the message mentioned, was read a first time, and

On motion of Mr. Colerick the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Liston referred to a select committee;

Ordered, That Messrs. Liston, Collins, and Colerick be the said committee.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House No. 232, entitled an act relative to the Tippecanoe Battle Ground, in which the concurrence of the Senate is requested.

The bill No. 232, in the message mentioned was read a first time, and

On motion of Mr. —, the rules of the Senate were dispensed with, the bill read second time;

On motion of Mr. Hamilton, it was amended by striking out the third section; and the bill was passed to a third reading.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill entitled as follows:

An act authorizing the Vermillion circuit court to change the venue in a certain case therein named, to which the concurrence of the Senate is respectfully requested.

The bill in the message mentioned was read a first time, and

On motion of Mr. Turman, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House, entitled as follows, to-wit:

No. 200—An act to provide for opening and repairing public roads and highways in the county of Clay;

In which the concurrence of the Senate is requested.

The bill in the message mentioned was read a first time, and

On motion of Mr. Boon, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

The following message was received from the the House of Representatives:

Mr. PRESIDENT—

The House of Representatives have directed me to inform the Senate that they have passed an engrossed bill of the House of Representatives entitled an act incorporating the Evansville Fire Insurance Company, and respectfully request the concurrence of the Senate therein.

The bill in the report mentioned was read a first time, and

On motion of Mr. Casey, the rules of the Senate were dispensed

with, the bill read a second time, and referred to the judiciary committee.

The following message was received from the House of Representatives:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed a bill of the House, No. 309, being an act supplemental to an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836.

In which the concurrence of the Senate is requested.

The bill No. 309, in the message mentioned, was read a first time, and

On motion of Mr. Hamilton, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Plummer laid on the table.

On motion,

The Senate adjourned.

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MONDAY, JANUARY 30, 1837.

The Senate assembled.

Mr. Bell introduced a petition signed by Robert N. Williams and others, citizens of Madison county, praying for a state road from Andersontown in Madison county, to Knightstown in Henry county, which was,

On motion of Mr. Bell, referred to a select committee.

Ordered, That Messrs. Bell, Stanford, and Brady be the said committee.

Mr. Hillis made the following report:

MR. PRESIDENT—

The committee of ways and means to whom was referred a bill of the Senate to amend an act entitled an act to provide for an equitable mode of levying the taxes of this State, approved, Feb. 8, 1836, have had that subject under consideration, and have directed me to report it back to the Senate without amendment.

Mr. Stanford moved to amend the bill in the report mentioned as follows: That the collector shall pay all monies by him collected to the school commissioner, instead of the township treasurer;

Which was agreed to; and

On motion, the amendment was considered as engrossed, the bill read a third time and passed,

Mr. Hillis made the following report:

Mr. PRESIDENT—

The committee on ways and means to whom was referred a resolution of the Senate instructing them to inquire into the expediency of so amending the revenue law of 1835-6, as to authorize the collectors of the several counties to pay over the money set apart in the 25th section of said act for school purposes, to the several school commissioners, instead of paying it to the trustees of the several townships and fractional townships, have according to order had that subject under consideration, and have directed me to report that in their opinion it would be inexpedient to legislate on that subject at this time; and ask to be discharged from the further consideration of the subject.

*Ordered*, That the committee be discharged.

Mr. Elliott made the following report:

Mr. PRESIDENT—

The judiciary committee, to whom was referred a bill of the House of Representatives No. 125, an act to authorize the board of commissioners of Washington county to fund at interest certain moneys herein named and for other purposes, have had the same under consideration, and report it back again without amendment, and ask to be discharged from the further consideration thereof.

The bill was read a third time and passed.

Mr. Dumont made the following report:

Mr. PRESIDENT—

The committee on education to whom was referred a bill of the House supplemental to an act to enable the school commissioners of the several counties of this State to correct the returns of the collectors approved Feb. 1, 1836, have instructed me to report it back without amendment, and ask to be discharged.

The bill was read a third time and passed.

Mr. Beard made the following report:

Mr. PRESIDENT—

The committee on roads to whom was referred two several bills amendatory of the road laws, have had the subject matter of those bills under their consideration and have directed me to incorporate the provisions of the said two bills into one, to which the concurrence of the Senate is requested.

On motion of Mr. Morgan, the bill and report were indefinitely postponed.

Mr. Conwell made the following report:

Mr. PRESIDENT—

The committee on roads to whom was referred the bill entitled an act amendatory of an act entitled an act for opening and repairing public roads and highways, approved, Feb. 10, 1831, have had the same under consideration, and have instructed me to report the same back to the Senate with several amendments, in which they ask the concurrence of the Senate therein.

The amendments were concurred in.

On motion of Mr. Clark, the bill was so amended as to confine its provisions to the counties of Franklin and Harrison; and

On motion, the bill was engrossed for third reading.

Mr. Dunning made the follownig report:

Mr. PRESIDENT—

The committee on the State Library have made examination into the situation of the same, and find every thing pertaining thereto in a neat and correct situation; They discover that the acts of Congress, now on file in the state Library, are many of them unbound, and not in a situation to be preserved in the manner in which they should be; they have therefore directed me to report the following joint resolution:

The joint resolution was read a first time; and,

On motion of Mr. Dunning, the rules of the Senate were dispensed with, the joint resolution read a second and third time and passed,

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations, to which was referred a bill of the House of Representatives, No. 105, entitled a bill to legalize sales of school lands in Fountain and Spencer counties, have examined it, made one amendment, to-wit: strike it out from the enacting clause; to which the concurrence of the Senate is requested.

The report was concurred in, and the bill laid on the table.

Mr. Vawter made the following report:

The committee on enrolled bills report, that they have compared enrolled bills that originated in the Senate of the following titles, viz:

No. 38—An act to establish a certain State road therein named in the counties of Perry, Crawford and Orange;

No. 40—An act to change the direction of the Michigan road on section No. 32, of said road, situated in Fulton county;

An act to authorize a change in part of the state road from Mooresville, by Danville, to Crawfordsville;

A joint resolution in relation to the public lands suspended from sale on the line of the Wabash and Erie canal, in the State of Indiana.

An act supplemental to an act entitled an act authorizing the com-



missioner of the Michigan road to correspond with the commissioner of the General Land office, in order to have the title perfected to the State of Indiana to the Michigan road grant and for other purposes, app. Jan. 20, 1837,

With the engrossed, and find the same truly enrolled.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred the bill of the House to incorporate the Hartford steam mill and manufacturing company, have had that subject under consideration, and directed me to report the same back with one amendment, to-wit:

The amendments were concurred in; and,

On motion of Mr. Brady, the amendments were considered as engrossed, the bill read a third time and passed.

Mr. Thompson of P., made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred the bill of the House of Representatives entitled a bill to incorporate the Evansville manufacturing and dry dock company, have duly considered it, made one amendment, and instructed me to report it to the Senate and ask its concurrence, to-wit: strike it out from its enacting clause.

On motion of Mr. Casey, the bill was referred to the judiciary committee.

Mr. Thompson, of P., from the committee on corporations made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred a bill of the Senate entitled a bill to incorporate the trustees of the New Albany Seminary, have duly examined it and have instructed me to report it with one amendment, to-wit:

The amendment was concurred in, and

On motion of Mr. Collins, the rules of the Senate were dispensed with, and the bill read a third time and passed.

Mr. Thomson of P., from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred a bill of the House of Representatives, No. 136, entitled a bill to incorporate the Jeffersonville iron manufacturing company, have examined it, made several amendments, and instructed me to report it and ask the concurrence of the Senate.

The amendments were concurred in by the Senate; and  
On motion, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. Thompson of P. from the committee on corporations, made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives, to incorporate the White river bridge company, have had the same under consideration, and directed me to report the same back with one amendment.

The amendment was concurred in, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. Thompson of P. made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the petition of a number of citizens of Crawford county, praying that a certain route in said county be viewed, marked and located for a state road, have instructed me to report the following bill:

The bill was read a first time; and

On motion, the rules of the Senate were dispensed with, and the bill read a 2d and 3d time and passed.

Mr. Hamilton made the following report:

Mr. PRESIDENT—

The select committee to which was referred a petition of sundry citizens of Fountain and Warren counties, praying the General Assembly to legalize an election contained therein, have according to order had the same under consideration and directed me to report the following bill:

The bill mentioned in the report, was read a first time; and

On motion of Mr. Hamilton, the rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Hamilton, the same was laid on the table.

Mr. Hackett made the following report from a select committee:

Mr. PRESIDENT—

The select committee which was instructed by a resolution of the Senate, to report a bill to contain certain provisions general in their nature, have, in pursuance of said instructions, directed me to report herewith, a bill to encourage the apprehension of horse thieves and other fugitives from justice in the several counties in this state.

The bill in the report mentioned, was read a first time; and  
 On motion of Mr. Hackett, the rules of the Senate were dispensed with and the bill read a second time; and  
 On motion of Mr. Clark, referred to the judiciary committee.

Mr. Collins made the following report from a select committee:

Mr. PRESIDENT—

The select committee to whom was referred the engrossed bill of the House of Representatives, No. 333, entitled an act appropriating a part of the three per cent. fund in the counties therein named and for other purposes, have had the same under consideration, and have instructed me to report the same back to the Senate without amendment and ask to be discharged from the further consideration of the subject.

*Ordered*, That the committee be discharged.

Bill read a third time and passed.

On motion of Mr. Thompson,

The report of the select committee on the subject of the surplus revenue was taken up, and Mr. Claypool moved to amend the amendment in the 30th section, so that it shall read, not less than four, instead of not less than three;

Which amendment was not agreed to.

Mr. Stanford moved to amend the 2d section as follows:

Add to the end of the 2d section, provided further, that said addition shall not increase the number of polls in such counties to more than seven hundred polls;

Which was not agreed to.

Mr. Dunning moved to amend the amendment of the committee, by striking out of the 2d section, the words one half, and inserting the whole, so that all the money should be funded in the counties; and

On the question shall it be so amended?

*Those who voted in the affirmative are,*

Messrs. Bell, Casey, Chambers, Dunning, Fowler, Hackett, Hoagland, Kennedy, Milroy, Moore, and Stewart—11.

*And those who voted in the negative are,*

Messrs. Beard, Boon, Bradberry, Brady, Clark, Claypool, Cole, Cole-  
 rick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Elliott,  
 Everts, Ewing, Hamilton, Hillis, Liston, Little, Mitchell, Morgan,  
 Plummer, Puett, Sigler, Smith, Stafford, Stanford, Turman, Thompson  
 of P., Thompson of L., Thompson of J., Trask, Vawter and Walker—36.

And so the amendment was not adopted.

Mr. Kennedy moved to amend the 2d section of the amendment so

that the money be divided equally among the counties, instead of according to population; and

On the question shall it be so amended?

*Those who voted in the affirmative are,*

Messrs. Bell, Chambers, Hoagland and Kennedy—4.

*And those who voted in the negative are,*

Messrs. Beard, Boon, Bradberry, Brady, Casey, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hamilton, Hillis, Liston, Little, Milroy, Morgan, Plummer, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., Vawter and Walker—39.

And so the amendment was not adopted.

Mr. Stanford moved to amend the 13th section of the amendment by striking out all after the word received and insert the following:

To be divided and set apart semi-annually on the first Mondays of March and September, to the several townships according to the number of taxable polls in each, to be paid over to the several township treasurers or their order at any time after such dividends: *Provided*, that in case there should be any township in any county that is unorganized, the school commissioner shall loan any portion of money set apart to such township or townships as other school funds for the use of such townships;

Which was agreed to.

Mr. Thompson of P. moved to amend the bill so that no one could borrow more than three hundred dollars, instead of four hundred, as it now is;

Which was not agreed to.

Mr. Hamilton moved to amend the bill so that all land mortgaged for loans under this act shall be valued by three individuals composed of justices of the peace, associate judges, clerks and recorders;

Which was not agreed to.

And on the the question shall the amendment of the committee as amended, be concurred in?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Casey, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Elliott, Everts, Ewing, Hamilton, Hillis, Liston, Little, Plummer, Puett, Sigler, Smith, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., Vawter and Walker—34.

*And those who voted in the negative are,*

Messrs. Bell, Chambers, Dunning, Fowler, Hackett, Hoagland, Kennedy, Milroy, Moore, and Morgan—10.

And so the amendment was concurred in.

On motion of Mr. Thompson of L., the amendment was considered as engrossed, the bill read a 3d time and passed; and

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

On leave granted, Mr. Bell introduced a bill to appropriate a part of the three per cent. fund for the purposes therein named;

Which was read a first time; and

On motion of Mr. Trask, the rules of the Senate were dispensed with, and the bill read a second time; and

On motion of Mr. Little, the rules of the Senate were further dispensed with, and the bill read a third time and passed.

Mr. Claypool introduced the following resolution:

*Resolved*, That the Senate will, during the remaining part of the session, meet at half past 8 o'clock, A. M. and half past 1 o'clock, P. M. on each day for the transaction of business.

Mr. Thompson of L. moved to amend by inserting at half past 6 o'clock, P. M., and

On motion of Mr. Clark, the resolution and the amendment were laid on the table.

On leave granted, Mr. Everts made the following report from a select committee:

Mr. PRESIDENT—

The committee to which was referred the bill to amend an act to incorporate the Kankakee and Michigan City rail road company, have had the same under consideration and have directed me to report the following amendments:

The bill and amendments were,

On motion of Mr. Thompson of L., referred to the committee on canals and internal improvements.

On motion of Mr. Vawter, the Senate resolved itself into committee of the whole on the three per cent. fund bill.

On motion the committee rose, and Mr. Boon the chairman reported that the committee had made two amendments to said bill, in which amendments the concurrence of the Senate is requested.

And the amendments were concurred in.

On motion of Mr. Clark, the amendments were considered as engrossed, the rules of the Senate dispensed with, and the bill read a third time and passed.

On leave granted, Mr. Dunning introduced a bill to appropriate the three per cent. fund due Monroe county.

The bill was read a first time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with and the bill read a second time, and

On motion of Mr. Dunning, it was laid on the table, and

On motion, the Senate adjourned.

TUESDAY, JANUARY 31, 1837.

The Senate assembled.

The following message was received from the House of Representatives:

The House of Representatives has passed engrossed bills of the Senate, entitled as follows, to wit:

No. 29—An act to organize the county of Wells;

An act for the relief of Seth Cushman, former collector of Sullivan county;

An act to incorporate the Delphi Insurance company;

An act to incorporate the New Albany Hotel Company;

An act to amend an act entitled, an act to incorporate the Perrysville and Danville Rail road Company, and

An act to provide for the construction of a lock in the pool dam near Delphi, each without amendment.

The House has also passed engrossed bills of the House entitled as follows, viz:

No. 135—An act to incorporate the Bloomfield and White River Insurance Company;

No. 184—An act to extend the Erie and Michigan canal;

No. 265—An act to incorporate the Fountain county Insurance Company, the Williamsport Warren county Insurance Company, and the Rockville, Parke county Insurance Company;

No. 230—An act to incorporate the Peru, Mexico, and Rochester Turnpike Company;

No. 283—An act to locate a state road from Rossville in Clinton county, to Americus in Tippecanoe;

No. 284—An act making the general appropriations for 1837;

No. 297—An act to change the mode of doing county business in the county of Boon;

No. 298—An act to incorporate the Brownstown Insurance Company;

No. 308—An act to amend an act entitled an act providing means for the Wabash and Erie canal, approved Feb. 1, 1834;

No. 310—An act to locate a certain state road therein named;

No. 311—An act to amend an act entitled, an act relative to crime and punishment, approved February 10, 1831;

No. 315—An act distributing the 3 per cent fund belonging to Park county;

No. 318—An act to incorporate the town of Cleveland in Tippecanoe county;”

No. 319—An act to establish a state road from Napoleon in Ripley county, to Vernon in the county of Jennings;

No. 350—An act to provide for the construction of a bridge over the East fork of White-water river at Brownsville, and

No. 353—An act to amend an act entitled, an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1836;

In which bills of the House the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives, entitled as follows, to wit:

No. 3—An act providing for the mode of electing U. States Senator and for other purposes;

No. 110—An act to amend the act to incorporate the town of Indianapolis;

No. 130—An act to vacate a part of the Indianapolis, Centreville, and Richmond state road;

No. 166—An act to legalize the proceeding of the Trustees of the Presbyterian Church in Greensburgh, Decatur county;

No. 171—An act to legalize the proceedings of the Trustees of town 6, range 1 west, in Dearborn county;

No. 203—An act to legalize the proceedings of the Board of Trustees of the Salem Presbyterian congregation;

No. 204—An act amendatory of an act entitled, an act incorporating the Carlisle school district;

No. 205—An act to repeal an act to relocate part of the state road leading from Martinsville in Morgan county, to Danville in Owen county;

No. 206—An act to relocate a part of the Newcastle and Lafayette state road in the counties of Clinton and Tippecanoe;

No. 210—An act to amend an act entitled an act to incorporate the town of Terre-Haute, approved February 1, 1833;

No. 211—An act to repeal so much of the act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace in the several counties therein named, approved February 7th, 1835, as relates to the county of Vermillion;

No. 227—An act to locate a bridge and relocate a part of a certain state road in the county of Vermillion;

No. 228—An act to legalize the proceedings of the Board of Commissioners of Warrick county, at their January term, 1837; and

No. 234.—An act to incorporate the New Albany Guards,  
I am directed to bring them to the Senate for the signature of the President thereof.

The President having signed the enrolled bills and joint resolutions in the message mentioned, they were handed over to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

Bill No. 135, entitled an act to incorporate the Bloomfield and White river Insurance Company, was read a first time, and

On motion of Mr. Dobson, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

Bill No. 184, entitled, an act to extend the Erie and Michigan canal, was read a first time, and

On motion of Mr. Crawford, the rules of the Senate were dispensed with, the bill read a second time, and on motion of Mr. Stafford, referred to committee on canals and internal improvements.

Bill No. 265, entitled an act to incorporate the Fountain county Insurance Company, the Williamsport, Warren county Insurance company, and the Rockville, Parke county Insurance company, was read a first time, and

On motion of Mr. Hamilton, the rules of the Senate were dispensed with, the bill read a second time, and referred, on motion of Mr. Smith, to the committee on the judiciary.

Bill No. 280, entitled an act to incorporate the Peru, Mexico, and Rochester turnpike company, was read a first time, and

On motion of Mr. Ewing, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on roads.

Bill No. 283, entitled an act to locate a state road from Rossville in Clinton county, to Americus in Tippecanoe county, was read a first time, and on motion of Mr. Clark, the rules of the Senate were dispensed with and the bill read a second time.

On motion of Mr. Milroy, the bill was so amended as to exempt Carroll county from bearing any of the expenses in the location of said road.

On motion of Mr. Clark, the bill was read a third time and passed.

Bill No. 284, entitled an act making the general appropriation for 1837, was read a first time; and

On motion of Mr. Hillis, the rules of the Senate were dispensed with, the bill read a second time; and

On motion of Mr. Thompson of P., referred to the committee of ways and means.

Bill No. 297, entitled an act to change the mode of doing county business in the county of Boone, was read a first time; and

On motion of Mr. Cole, the rules of the Senate were dispensed with, the bill read a second and third time and passed.



Bill No. 298, entitled an act to incorporate the Brownstown insurance company, was read a first time, and

On motion of Mr. Hoagland, the rules of the Senate were dispensed with, the bill read a second time, and referred to the committee on corporations.

Bill No. 308, entitled an act to amend an act entitled an act providing means for the Wabash and Erie canal, approved Feb. 1, 1834, was read a first time, and

On motion of Mr. Clark, the rules of the Senate were dispensed with, and the bill read a second time; and

On motion of Mr. Smith, referred to the committee on canals and internal improvements.

Bill No. 310, entitled an act to locate a certain state road therein named was read a first time; and,

On motion of Mr. Moore, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Bill No. 311, entitled an act to amend an act entitled an act relative to crime and punishment, approved Feb. 10, 1831, was read a first time, and

On motion of Mr. Kennedy, the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Everts, referred to the judiciary committee.

Bill No. 315, entitled an act distributing the three per cent fund belonging to Parke county, was read a first time; and

On motion of Mr. Puett, the rules of the Senate were dispensed with, the bill read a second time, and

Referred to a select committee of Messrs. Puett, Turman, Boone, and Beard.

Bill No. 318, entitled an act to incorporate the town of Cleveland, in Tippecanoe county, was read a first time; and

On motion of Mr. Clark, the rules of the Senate were dispensed with, the bill read a second time, and referred to the judiciary committee.

Bill No. 319, entitled an act to establish a state road from Napoleon in Ripley county, to Vernon in the county of Jennings, was read a first time; and

On motion of Mr. Smith, the rules of the Senate were dispensed with, and the bill read a second time; and

On motion of Mr. Smith, referred to a select committee.

*Ordered*, That Messrs. Smith, Vawter, and Conwell be that committee.

Bill No. 350, entitled an act to provide for the construction of a bridge over the east fork of White Water river, at Brownsville, was read a first time; and

On motion of Mr. Claypool, the rules of the Senate were dispensed with, and the bill read a second time; and

On motion of Mr. Claypool, referred to a select committee.

*Ordered*, That Messrs. Claypool, Elliott, and Morgan be that committee.

Bill No. 353, entitled an act to amend an act entitled an act regulating the fees and salaries of the several officers and persons therein named, was read a first time; and

On motion of Mr. Thompson of L., the rules of the Senate were dispensed with, and the bill read a second time; and

On motion, the rules of the Senate were further dispensed with and the bill read a third time; when

Mr. Sigler moved to re-consider the vote just taken on reading the bill a third time;

Which was not agreed to; and

On the question, shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Cole, Collins, Conwell, Crawford, Dąmont, Dunning, Elliott, Everts, Ewing, Hillis, Hoagland, Liston, Little, Milroy, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., and Vawter—32.

*Those who voted in the negative are,*

Messrs. Daily, Dobson, Fowler, Mitchell, Moore, Morgan, Sigler, Trask, and Walker—9.

So the bill passed.

Mr. Vawter made the following report:

The committee on enrolled bills report that they did this day present to his excellency, the governor, for his approval and signature, bills of the following titles, viz:

An act to amend an act entitled an act to establish a state road from Rome in Perry county, to Jasper in Doubois county, approved, Feb. 1835;

An act to establish a certain road therein named in the counties of Perry, Crawford, and Orange;

A joint resolution in relation to the public lands suspended from sale on the line of the Wabash and Erie canal in the State of Indiana.

An act to authorize a change in part of the State road from Mooresville, by Danville, to Crawfordsville;

An act supplemental to an act entitled an act authorizing the commissioner of the Michigan road to correspond with the commissioner of the General Land officer, in order to have the title perfected to the State of Indiana to the Michigan road grant and for other purposes, app. Jan. 20, 1837;

An act to change the direction of the Michigan road on section 32, of said road, situated in Fulton county;

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Reps. of the following titles, to-wit—and find the same truly enrolled:

**No. 227**—An act to locate a bridge, and re-locate a part of a certain state road in the county of Vermillion;

**No. 234**—An act to incorporate the New Albany Guards;

**No. 206**—An act to re-locate a part of the New Castle and Lafayette state road in the counties of Clinton and Tippecanoe;

**No. 203**—An act to legalize the proceedings of the board of trustees of the Salem Presbyterian congregation;

**No. 3**—An act providing for the mode of electing United States' senator, and for other purposes;

**No. 171**—An act to legalize the proceedings of the trustees of town 6, range 1 west, in Dearborn county;

**No. 110**—An act to amend the act to incorporate the town of Indianapolis;

**No. 130**—An act to vacate a part of the Indianapolis, Centreville and Richmond State road;

**No. 204**—An act amendatory of an act entitled an act incorporating the Carlisle school district;

**No. 210**—An act to amend an act entitled an act to incorporate the town of Terre Haute, app. Feb. 1, 1833;

**No. 166**—An act to legalize the proceedings of the trustees of the Presbyterian church in Greensburgh in Decatur county;

**No. 205**—An act to repeal an act to re-locate part of the state road leading to Martinsville in Morgan county to Danville, in Hendricks county;

**No. 228**—An act to legalize the proceedings of the Board of Commissioners of Warrick county, at their January term, 1837;

An act to repeal so much of the act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace in the several counties therein named, app. Feb. 7th, 1835, as relates to the county of Vermillion,

With the engrossed, and find the same truly enrolled.

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives of the following titles, to wit, and find the same truly enrolled:

**No. 149**—An act to incorporate the town of Bloomington;

**No. 198**—An act to incorporate the Porter county Seminary;

**No. 195**—An act authorizing Paul McCoon, William Avery, and E. F. Call to build a dam across the Wabash river;

**No. 192**—An act to extend the jurisdiction and power of the president and trustees of the town of Vernon, county of Jennings;

**No. 120**—An act to encourage the apprehension of horse thieves, and other fugitives from justice, in the county of Washington;

**No. 222**—An act to incorporate the Clay county seminary;

**No. 217**—An act permanently fixing the line between the counties of Jefferson and Clark;

**No. 202**—An act to authorize Samuel Coleman of Fountain county to sell certain town lots in the town of Attica, and also to make certain conveyances of lots now sold.

**No. 200—An act to provide for opening and repairing public roads and highways in the county of Clay;**

**No. 60—An act to change the mode of doing county business in the county of Gibson;**

**No. 150—An act to provide for the improvement of the Michigan road north of Indianapolis, and for other purposes;**

**No. 219—An act to amend an act entitled an act to regulate the mode of doing county business, approved February 7, 1835,**

**With the engrossed, and find the same truly enrolled.**

**The committee on enrolled bills report that they have compared enrolled bills of the following titles that originated in the Senate, viz:**

**An act to provide for the construction of a lock in the pool dam near Delphi;**

**An act to establish and relocate certain state roads therein named, and for other purposes;**

**An act for the relief of Seth Cushman, former collector for Sullivan county;**

**An act to organize the county of Wells;**

**An act to incorporate the Wabash and Lafayette bridge company;**

**An act to incorporate the Eel river manufacturing company;**

**An act to authorize the change in the location of certain roads therein named;**

**With the engrossed, and find the same truly enrolled;**

**The following message was received from the Governor by Mr. Maguire his private secretary:**

**I am requested to inform the Senate that the Governor did, on yesterday, approve and sign acts which originated in the House of Representatives entitled as follows to-wit:**

**An act to incorporate the Williamsport Warren county bridge company;**

**An act authorizing William McCartney, sen., and others to cut a race from the head of the Kankakee into the St. Joseph river;**

**An act to incorporate the Brookville insurance company;**

**An act to declare certain roads therein named state roads;**

**An act changing the time of holding elections for township officers, in the county of Warrick;**

**An act declaring certain county roads in Owen county, state roads;**

**An act to change the name of the town of Danville to that of Fayetteville;**

**An act appropriating so much of the three per cent. fund as is now due in Greene county; and**

**An act to incorporate the St. Joseph manual labor institute.**

**And also acts which originated in the Senate entitled as follows:**

**An act relating to state roads; and**

**An act to incorporate the Indiana Mutual Fire Insurance Company;**

**The following message was received from the House of Representatives:**

**MR. PRESIDENT—**

I am directed by the House of Representatives to inform the Senate that they have passed engrossed bills of the House entitled as follows:

No. 181—An act to incorporate the Vincennes and Terre-Haute turnpike company;

No. 303—An act declaring the county road from Centreville to Milton in Wayne county, a state road;

In which the concurrence of the Senate is requested.

Bill, No. 181, entitled an act to incorporate the Vincennes and Terre Haute turnpike company, was read a first time, and

On motion of Mr. Boon, the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Boon, referred to the committee on corporations.

Bill, No. 303, entitled an act declaring the county road from Centreville to Milton, in Wayne county, a state road, was read a first time, and

On motion of Mr. Elliott, the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Stanford, the bill was amended as follows:

'The county road from New Castle via Greensboro' to Knightstown, in Henry county, is hereby declared a state road, and

On motion of Mr. Bradberry, the amendment was considered as engrossed, and the rules of the Senate further dispensed with, and the bill read a third time and passed.

On motion, Mr. Plummer had leave of absence during the remainder of the session.

The following message was received from the House of Representatives by Mr. Elliott, their clerk:

**MR. PRESIDENT—**

Bill No. 230, entitled an act to amend an act entitled an act to regulate the fees and salaries of the several officers and persons therein named, was read a first time, and

On motion of Mr. Thompson of L., the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Hillis, the bill was referred to the judiciary committee.

Bill No. 241, entitled an act to provide for a geological survey of the state of Indiana, was read a first time, when

Mr. Kennedy moved to reject the same,

And on the question shall it be rejected?

*Those who voted in the affirmative are,*

Messrs. Bell, Claypool, Cole, Elliott, Everts, Fowler, Hamilton, Kennedy, Little, Moore, Morgan, Puett, Stanford, Thompson of J., and Trask—15;

*Those who voted in the negative are,*

Messrs. Beard, Boon, Bradberry, Brady, Casey, Chambers, Clark, Colerick, Collins, Conwell, Crawford, Dobson, Dumont, Dunning, Ewing, Hillis, Hoagland, Liston, Milroy, Mitchell, Sigler, Stafford, Stewart, Turman, Thompson of P., Thompson of L., Vawter and Walker—28.

So said bill was not rejected;

On motion of Mr. Thompson of L., the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Morgan, the bill was referred to the committee on canals and internal improvements, with instructions to strike out all that part of said bill which relates to provide contingent expenses.

Bill No. 249, entitled an act to authorize William McIlvain to build a mill dam across White river, was read a first time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with and the bill read a second time, and

On motion of Mr. Thompson of P., was referred to the committee on canals and internal improvements.

Bill No. 251, entitled an act to change the name of the town of Mauksport, was read a first time, and on motion of Mr. Brady, the rules of the Senate were dispensed with and the bill read a second time, and on motion of Mr. Mitchell, the bill was laid on the table.

Mr. PRESIDENT—

The House of Representatives have concurred in the amendments of the Senate to the engrossed bills of the House of Representatives entitled as follows viz:

No. 163—An act to amend the act entitled an act for the regulation of the state prison, and

No. 195—An act authorizing Paul McCoon, William Avery, and E. F. McCall, to build a dam across the Wabash river.

The House of Representatives have passed engrossed bills of the Senate, and a joint resolution, entitled as follows, viz:

A joint resolution on the subject of the public lands suspended from sale on the line of the Wabash and Erie canal, in the State of Indiana;

No. 40—An act to change the direction of the Michigan Road on section No. 32, of said road, situated in Fulton county, and

An act to authorize the change in the location of certain roads therein mentioned; each without amendment.

They have also passed engrossed bills of the House of Representatives, entitled as follows, viz:

No. 249—An act to authorize William McIlvain to build a mill dam across White river;

No. 251—An act to change the name of the town of Mauksport;

No. 252—An act to amend an act entitled an act to vacate the town of Northampton, in Harrison county, approved February 7, 1835;

**No. 254**—An act to authorize the road commissioner of Fulton county, to loan the 3 per cent fund of said county;

**No. 255**—An act to locate a part of the Richmond and Fort Wayne State Road;

**No. 256**—An act to locate a state road in the county of Bartholomew, from Hope via Joseph Cox's and Thomas Bummels, to Columbus;

**No. 258**—An act appropriating the 3 per cent fund of Dearborn county;

**No. 259**—An act to repeal the 20th section of the act to regulate the mode of doing county business so far as the same relates to the county of Sullivan;

**No. 260**—An act relative to the Mount Vernon and Princeton Turnpike road;

**No. 261**—An act to locate a state road from Portland on the National road, to the Michigan road in Shelby county;

**No. 262**—An act to drain the swamps and low lands north-east of Indianapolis;

**No. 266**—An act declaring Yellow river a public highway;

**No. 267**—An act to authorize the mutual transfer of certain school funds between the townships of Eel and Noble, in Cass county;

**No. 268**—An act to vacate a part of a certain state road, and to relocate a part of another state road in the county of Vermillion;

**No. 270**—An act to amend an act entitled an act to incorporate the Wayne and Union Turnpike Road Company, and to incorporate the Richmond and Muncietown Turnpike Road Company;

**No. 271**—An act authorizing the location of a certain state road in Hancock county;

**No. 272**—An act declaring a certain road therein named a state road;

**No. 274**—An act to amend an act entitled an act to incorporate the Wabash and Michigan Rail Road Company, approved Feb. 2, 1832;

**No. 275**—An act repealing a part of an act to provide for the removal of obstructions to the navigation of Eel river, approved January 4, 1830;

**No. 296**—A joint resolution respecting Blackford's Reports;

**No. 289**—A joint resolution providing for the election of a public printer to each House of the General Assembly, and fixing the prices, and compensation of said officers;

**No. 337**—An act to incorporate the town of Bethlehem in Clark county;

**No. 343**—An act to incorporate the Indianapolis, Lebanon, and Lafayette Turnpike Company;

**No. 294**—An act to legalize the appointment of an assessor for the county of Vigo, and to authorize the Board doing county business of said county, to hold a special session, to receive the assessment roll and to appoint a collector to collect the revenue of said county, for the year 1836;

In which engrossed bills and joint resolution of the House, the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the Senate entitled,

An act to change the name of Jamestown in Henry county, to that of New Lisbon, and

An act to amend an act entitled an act to establish a state road from Rome, Perry county, to Jasper in Dubois county, approved, Feb. 1835.

I am requested to bring them to the Senate for the signature of the President thereof.

The House of Representatives have also passed an engrossed bill of the House of Representatives entitled,

No. 30—An act supplemental to an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836,

In which the concurrence of the Senate is requested.

Bill No. 252, entitled an act to amend an act entitled an act to vacate the town of Northampton in Harrison county, approved, February 7th, 1835, was read a first time, and

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on the judiciary.

Bill No. 254, entitled an act to authorize the road commissioner of Fulton county, to loan the 3 per cent. fund of said county, was read the first time, and

On motion of Mr. Ewing, the rules of the Senate were dispensed with, the bill read a second and third times and passed.

Bill No. 255, entitled an act to locate a part of the Richmond and Fort Wayne state road, was read a first time, and

On motion of Mr. Colerick, the rules of the Senate were dispensed with, and the bill read a 2d and 3d times and passed.

Bill No. 256, entitled an act to locate a state road in the county of Bartholomew, from Hope via Joseph Cox's and Thomas Bummel's, to Columbus, was read a first time, and on motion of Mr. Vawter the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Bradberry the rules of the Senate were further dispensed with, and the bill read a third time and passed.

Bill No. 258, entitled an act to appropriate the three per cent fund of Dearborn county, was read a first time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with, and the bill read a 2d time, and on motion of Mr. Smith, the rules of the Senate were dispensed with, the bill read a 3d time and passed.

Bill No. 259, entitled an act to repeal the 20th section of an act to regulate the mode of doing county business so far as the same relates to the county of Sullivan, was read a first time, and

On motion of Mr. Boon, the rules of the Senate were dispensed with and the bill read a 2d time; when Mr. Boon moved to amend the bill by adding Johnson county, which was agreed to, and



On motion of Mr. Boon, the rules were dispensed with, and the bill and amendment engrossed, read a third time and passed.

Bill No. 260, entitled an act relative to the Mount Vernon and Princeton Turnpike Company, was read a first time, and

On motion of Mr. Casey, the rules of the Senate were dispensed with and the bill read a 2d time, and on motion of Mr. Smith, was referred to the committee on claims.

Bill No. 261, entitled an act to locate a state road from Portland on the national road to the Michigan road in Shelby county, was read a first time, and

On motion of Mr. Morgan, the rules of the Senate were dispensed with, and the bill read a 2d and 3d times and passed.

Bill No. 262, entitled an act to drain the swamps and low lands northeast of Indianapolis, was read a first time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Colerick, was referred to the committee on the affairs of the town of Indianapolis.

Bill No. 266, entitled an act declaring Yellow river a public highway, was read a first time, and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, and the bill was read a 2d time, and

On motion of Mr. Brady, the rules of the Senate were further dispensed with, and the bill read a 3d time and passed.

Bill No. 267, entitled an act to authorize the mutual transfer of certain school funds between the townships of Eel and Noble in Cass county, was read a first time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with, the bill read a second and third times and passed.

Bill No. 268, entitled an act to vacate a part of a certain state road and to re-locate part of another state road in the county of Vermillion, was read a first time, and

On motion of Mr. Puett the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Puett, the bill was referred to a select committee.

Ordered, That Messrs. Puett, Turman and Boon be that committee.

Bill No. 270, entitled an act to amend an act entitled an act to incorporate the Wayne and Union turnpike road company, and to incorporate the Richmond and Munceytown turnpike company, was read a first time, and

On motion of Mr. Bradberry, the rules of the Senate were dispensed with, and the bill read a second and third times and passed.

Bill No. 271, entitled an act to authorize the re-location of a certain state road in Hancock county, was read a first time, and

On motion of Mr. Bell, the rules of the Senate were dispensed with, the bill read a second and third times and passed.

Bill No. 272, entitled an act declaring a certain road therein named a state road, which was read a first time, and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, and the bill read a second and third times and passed.

Bill No. 274, entitled an act to amend an act entitled an act to incorporate the the Wabash and Michigan rail road company, approved Feb. 2d, 1832, was read a first time, and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a second time, when,

On motion of Mr. Liston, the said bill was referred to the committee on canals and internal improvements.

Bill No. 275, entitled an act repealing a part of an act to provide for the removal of obstructions to the navigation of Eel river, approved Jan. 4, 1830, was read a first time, and

On motion of Mr. Boon the rules of the Senate were dispensed with, and the bill read a second and third times and passed.

Bill No. 296, entitled a joint resolution respecting Blackford's reports, was read a first time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with, and the joint resolution read a second time, and

On motion of Mr. Dunning, the rules of the Senate were further dispensed with, and the joint resolution was read a third time and passed.

Bill No. 289, entitled a joint resolution providing for the election of a public printer to each house of the General Assembly, and fixing the prices and compensation of said officers, was read a first time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with, and the joint resolution was read a second time, and

On motion of Mr. Vawter, was amended as follows:

*Provided*, That the printer of the Senate shall be considered as printer of the volume of laws published at the termination of each session of the General Assembly, when,

On motion of Mr. Claypool, the bill and amendment were referred to the committee of ways and means.

Bill No. 337, entitled an act to incorporate the town of Bethlehem in Clark county, was read a first time, and

On motion of Mr. Daily, the rules of the Senate were dispensed with, and the bill read a 2d time, and

On motion of Mr. Daily, referred to the judiciary committee.

Bill No. 343, entitled an act to incorporate the Indianapolis, Lebanon and Lafayette turnpike company, was read a first time, and

On motion of Mr. Beard, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Colerick, the bill was referred to the committee on canals and internal improvements.

Bill No. 294, entitled an act to legalize the appointment of an assessor for the county of Vigo and to authorize the board doing county business of said county, to hold a special session to receive the assessment roll, and to appoint a collector to collect the revenue of said county for the year 1836, was read a first time, and

On motion of Mr. Boon, the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Boon, the rules of the Senate were further dispensed with, the bill read a third time and passed.

Bill No. 30, entitled an act supplemental to an act entitled an act to provide for a general system of internal improvement, approved Jan. 27, 1836, was read a first time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Dunning the rules of the Senate were further dispensed with, and the bill read a 3d time and passed.

The President having signed the enrolled bills in the message mentioned, they were handed over to the committee on enrolled bills to be presented to the Governor for his approval and signature.

On motion, the Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

On leave granted, Mr. Morgan, introduced a bill to incorporate the Carmel steam mill and manufacturing company;

Which was read a first time, and

On motion of Mr. Morgan, the rules of the Senate were dispensed with, the bill read a second time and referred to the committee on corporations.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have concurred in the amendments of the Senate to the engrossed bills of the House entitled as follows:

Bill No. 32, to amend an act to incorporate the Jeffersonville and N. Albany canal company;

Bill No. 60, to change the mode of doing county business in the county of Gibson.

They have also passed engrossed bills and joint resolutions of the Senate entitled as follows, to-wit:

An act to establish a certain state road therein named; and

A joint resolution and memorial of the General Assembly of the State of Indiana, to the President and Congress of the United States on the subject of the surplus revenue, each with amendments; and

An act to incorporate the Laurel savings institution and insurance company;

An act to incorporate the Crawford county Blue river bridge company;

An act to locate a state road in Laporte county;

An act to incorporate the Mount Vernon insurance company; and

A joint preamble and resolution in relation to pre-emptions and pre-emption floats, without amendments.

The House of Representatives has also passed engrossed bills and a joint resolution of the House of Representatives, entitled as follows:

No. 299—An act to establish a state road;

No. 305—An act declaring a certain county road in Vermillion county a state road;

No. 306—An act attaching the county of Newton to the county of Porter for judicial purposes;

No. 307—An act to re-locate a state road in the county of Hancock; and

No. 322—A joint resolution on the subject of sundry amendments to the constitution of the United States;

In which engrossed bills and joint resolution of the House of Representatives, the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills and a joint resolution of the Senate, entitled,

An act to authorize a change in part of the state road from Mooresville, by Danville, to Crawfordsville;

An act supplemental to an act entitled an act authorizing the commissioner of the Michigan road to correspond with the commissioner of the General Land office, in order to have the title perfected to the State of Indiana to the Michigan road grant and for other purposes, app. Jan. 20, 1837,

No. 40—An act to change the direction of the Michigan road on section No. 32, of said road, situated in Fulton county;

No. 38—An act to establish a certain State road therein named in the counties of Perry, Crawford and Orange;

A joint resolution in relation to the public lands suspended from sale on the line of the Wabash and Erie canal, in the State of Indiana.

I am directed to bring them to the Senate for the signature of the President thereof.

The amendments to the bill of the Senate, entitled an act to establish a certain state road therein named, were concurred in.

The amendments to the joint resolution No. 60, entitled a joint resolution and memorial of the State of Indiana, to the President and Congress of the United States on the subject of the surplus revenue, were concurred in.

Bill No. 299, entitled an act to establish a state road, was read a first time, and

On motion of Mr. Morgan, the rules of the Senate were dispensed with, the bill read a second and third times and passed.

Bill No. 305, entitled an act declaring a certain county road in Vermillion county a state road, was read a first time, and

On motion of Mr. Turman, the rules of the Senate were dispensed with, the bill read a 2d and 3d times and passed.

Bill No. 306, entitled an act attaching the county of Newton to the county of Porter for judicial purposes, was read a first time, and

On motion of Mr. Clark, the rules of the Senate were dispensed with, the bill read a 2d time, and

On motion of Mr. Liston, the rules of the Senate were dispensed with, the bill read a 3d time and passed.

Bill No. 307, entitled an act to re-locate a state road in the county of Hancock, was read a first time, and

On motion of Mr. Bell, the rules of the Senate were dispensed with, the bill read a 2d and 3d time and passed.

The joint resolution No. 322, entitled a joint resolution on the subject of sundry amendments to the constitution of the United States, was read a first time, and

On motion of Mr. Milroy, the rules of the Senate were dispensed with, and the resolution read a 2d time.

Mr. Mitchell moved to indefinitely postpone it;

Which was not agreed to.

On motion of Mr. Morgan, the fifth proviso was amended by striking out the words, or two years thereafter.

Mr. Everts moved to refer it to a select committee with the instructions hereafter named, and

On the question shall it be so referred?

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Chambers, Clark, Claypool, Cole, Cole-  
rick, Collins, Conwell, Dumont, Everts, Ewing Hamilton, Hillis, Hoag-  
land, Liston, Little, Mitchell, Morgan, Sigler, Stanford, Thomp-  
son of P., Thompson of L., Thompson of J., Trask, Vawter and Walk-  
er—27.

*Those who voted in the negative are,*

Messrs. Bell, Boon, Brady, Casey, Crawford, Daily, Dobson, Dun-  
ning, Elliott, Fowler, Hackett, Kennedy, Milroy, Moore, Puett, Smith,  
Stafford, Stewart, and Turman—19.

So it was so referred.

Mr. Everts proposed the following instructions, to-wit:

That the said committee amend the resolution so that when the President vetoes a bill, a majority of both houses of Congress shall be competent to pass the bill so vetoed.

Mr. Kennedy moved to amend Mr. Everts instructions so as to au-  
thorize the committee to amend the resolution so as to take from the  
President the veto power altogether.

Which was not agreed to.

On motion of Mr. Hamilton, the proposed instructions were laid on  
the table.

Mr. Cole moved to reconsider the vote taken on the amendment of  
the bill, and

On the question shall it be reconsidered?

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Bradberry, Casey, Cole, Colerick, Crawford, Daily, Dobson, Dunning, Elliott, Ewing, Fowler, Hackett, Kennedy, Liston, Milroy, Mitchell, Moore, Puett, Sigler, Smith, Stanford Stewart, Turman, Trask, Vawter and Walker—28.

*And those who voted in the negative are,*

Messrs. Beard, Brady, Chambers, Clark, Claypool, Collins, Conwell, Dumont, Everts, Hamilton, Hillis, Hoagland, Little, Morgan, Stafford, Thompson of P., Thompson of L., and Thompson of J.—18.

And so the vote was re-considered.

Mr. Puett moved to indefinitely postpone the resolution, and  
On the question, shall it be postponed?

*Those who voted in the affirmative are,*

Messrs. Clark, Cole, Colerick, Collins, Conwell, Elliott, Hamilton, Little, Mitchell, Puett, Stafford, Stewart, Turman, Thompson of J., and Trask—15.

*And those who voted in the negative are,*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Claypool, Crawford, Daily, Dobson, Dumont, Dunning, Everts, Ewing, Fowler, Hackett, Hillis, Hoagland, Kennedy, Liston, Milroy, Moore, Morgan, Sigler, Smith, Stanford, Thompson of P., Thompson of L., Vawter and Walker—31.

So it was not indefinitely postponed.

Mr. Hamilton moved to lay the joint resolution on the table, and  
On the question shall it be laid on the table?

*Those who voted in the affirmative are,*

Messrs. Beard, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Elliott, Ewing, Hamilton, Kennedy, Little, Mitchell, Puett, Smith, Stafford, Stanford, Stewart, Thompson of L., and Thompson of J.—22.

*And those who voted in the negative are,*

Messrs. Bell, Boon, Bradberry, Brady, Crawford, Daily, Dobson, Dumont, Dunning, Everts, Fowler, Hackett, Hillis, Hoagland, Liston, Milroy, Moore, Morgan, Sigler, Turman, Thompson of P., Trask Vawter and Walker—24.

So it was not laid on the table.

The previous question being called and sustained, and the question being, shall the joint resolution pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Claypool, Crawford, Daily, Dobson, Duront, Dunning, Everts, Fowler, Hackett, Hillis, Hoagland, Kennedy, Liston, Milroy, Moore, Morgan, Sigler, Smith, Stafford, Stanford, Turman, Thompson of P., Thompson of L., Vawter and Walker—33.

*And those who voted in the negative are,*

Messrs. Clark, Cole, Colerick, Collins, Conwell, Elliott, Ewing, Hamilton, Little, Mitchell, Puett, Stewart, Thompson of J., and Trask—14.

And so the joint resolution passed.

The President having signed the engrossed bills and joint resolution in the message mentioned, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House of Representatives has concurred in the first, second, and third amendments, and refused to concur in the fifth amendment of the Senate to the engrossed bill of the House of Representatives, entitled

No. 33—An act to incorporate the Mt. Carmel and New Albany rail road company.

On motion of Mr. Mitchell, the Senate insisted on their amendment to the bill; and

On motion of Mr. Collins, a committee of free conference was appointed.

*Ordered*, That Messrs. Collins and Mitchell be the said committee.

The following message was received from the House of Representatives:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have passed an engrossed bill entitled an act No. 370, to appropriate a part of the three per cent. fund of Bartholomew county;

In which the concurrence of the Senate is requested.

The bill was read a first time; and

On motion of Mr. Vawter, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

On motion of Mr. Dunning, the rules of the Senate were suspended, and the bill to appropriate a part of the 3 per cent. fund in Monroe county, taken up.

Mr. Vawter moved to amend it so as to make certain specific appropriations in the counties of Jennings, Switzerland, and Jackson; Which was agreed to.

Mr. Chambers moved to amend it so as to make some specific appropriations in the county of Orange;

Agreed to.

Mr. Thompson moved to amend so as to appropriate the 3 per cent. fund due Lawrence county;

Agreed to.

Mr. Hoagland moved to amend so as to appropriate the 3 per cent. fund due Scott county;

Which was agreed to; and

On motion, the amendments were considered as engrossed, read a third time and passed.

Mr. Liston made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the Senate, providing for the settlement of the accounts of commissioners of the three per cent fund, &c., have had the same under consideration, and have directed me to report the same back to the Senate with the following amendment, to-wit: Strike the bill out from its enacting clause and insert the following:

The amendments were considered as engrossed, the bill read a 3d time and passed.

Mr. Bell made the following report:

MR. PRESIDENT—

The select committee to which was referred the petition of sundry citizens of Madison county, praying the location of a state road from Andersontown in Madison county, to Knightstown in Henry county, have, according to order, had that subject under consideration, and have directed me to report a bill.

The bill in the report mentioned was read a first time, and,

On motion of Mr. Bell, the rules of the Senate were dispensed with the bill read a second time; and

On motion of Mr. Dunning, the rules of the Senate were further dispensed with, the bill read a third time and passed.

Mr. Dunning made the following report:

MR. PRESIDENT—

The select committee to which was referred the petition of sundry citizens of Jackson county, praying the construction a rail road from Jeffersonville to Columbus have had the same under considera-



tion, and a majority of said committee are of opinion that legislation on that subject is at this time inexpedient.

Mr. Hoagland, from the minority of the same committee, made the following as a counter report:

Mr. PRESIDENT—

The undersigned as one in the minority of the select committee to which was referred the petition of sundry citizens of Jackson county, praying the construction of a rail road from Jeffersonville to Columbus, asks leave to report that, although having to differ in opinion with a majority of said committee concerning the matter referred, would respectfully remark that it is with all due deference and much regret that such is the fact. The well wish and augmented regard that is entertained on the part of the undersigned towards the members of that committee, would not suffer him so to differ in matters of a minor import. But a sense of duty due to expectant constituents, when acting under a responsibility on a matter of so much magnitude and vital importance to them, makes it imperative on me thus to prefer such difference of opinion.

The petition calls for the construction of a rail road from Jeffersonville in Clark county, to Columbus in Bartholomew county, along the survey made by Randolph Coyle. The survey was made in accordance with a law passed two years ago, authorizing a number of surveys and estimates to be made of the most prominent routes in the state, for canals, railways and turnpike roads, with a view to the commencement of a general system of internal improvement, and a report thereof made to the last legislature. That when the said law passed two years ago, ordering such surveys, the undersigned had the honor of a seat in the other branch of the legislature, and voted for the law, having nothing else in view than that the State would take up and improve all works upon which a report of practicability and expediency would be made by a competent engineer. And if surveys and estimates are to be of any use in the commencement of a general system of internal improvement, (and this is admitted by all) surely the work from Jeffersonville to Columbus has claims, and ought to form a part of the system of last winter. It will be seen by reference to the survey on this route, that its estimates are much lower than the estimates of many other works which are provided for by the law of last winter; that the engineer, when speaking of the practicability of the work, says, that in no case will it be necessary to exceed a grade of more than thirty feet to the mile; that this will only be required for but a very small proportion of the whole distance; that gentle grades and long inclinations and levels can be obtained at but little cost; that the whole line is not quite nine miles longer than a direct line from point to point; that high water in the river at Jeffersonville is only 183 feet lower than the summit level at Columbus—a distance little rising seventy three miles. And this is not the only advantage it possesses. The important points connected by it is a matter worthy of notice. It will

be seen by observation that to construct this road from Jeffersonville to Columbus, intersecting the Madison and Lafayette rail road, will open a communication from the Falls of Ohio to Michigan City on almost a direct line.

The importance of the point at the falls of Ohio cannot be doubted by any reflecting person, nor a connection of that point with the works of internal improvement in the north part of the State of Indiana.—The recent commencement, and thus far successful progress of the bridge across the river at the falls, together with the anticipated termination of the South Carolina rail road at Louisville, Ky. at the same point has given a new and augmented impulse to the commercial interests of that section of country on either side, which is greatly demonstrated by the recent rapid improvement and vast extension of the town of Jeffersonville. Can the State of Indiana sustain damage by prosecuting a work of the like kind embraced in the petition, from a direction of her seat of government to this point? The undersigned is of opinion she could not, but on the contrary, it would be greatly to her advantage.

It will be recollected that the survey from Jeffersonville to Columbus passes through one of the oldest and first settled parts of the State which has contributed largely to the expenditures thereof, from its origin until now; and would it be just that this district should not receive any advantages arising under a general system of internal improvements, when having a work of so strong claims, and at a time when the State is making large appropriations in other districts on works of no greater import, and on account of the funds for which the citizens of this district stand equally bound with others. The people of the section of country through which the survey from Jeffersonville to Columbus runs, and which the undersigned has the honor in part, to represent on this occasion, are friendly to internal improvement, and truly wish to participate in it on principles of equity and economy.

Respectfully submitted,

ISAAC HOAGLAND.

On leave granted, Mr. Boone introduced a bill to appropriate the three per cent fund in Sullivan county which was read a first time; and

On motion of Mr. Boone, the rules were dispensed with, the bill read a second and third time and passed.

On leave granted. Mr. Beard introduced a bill entitled an act to locate a state road in the county of Switzerland, from Landing's ferry on the Ohio river, to intersect the Patriot and Versailles State road, which was read a first time; and

On motion of Mr. Damont, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

On leave granted, Mr. Walker introduced a bill entitled an act to locate a state road from Shelbyville in Shelby county, to Columbus in the county of Bartholomew, which was read a first time, and

On motion of Mr. Walker, the rules of the Senate were dispensed

with, and the bill read a third time and passed.

On motion of Mr. Milroy, the bill to incorporate the Indianapolis and Michigan City rail road charter was taken up, read a third time and passed.

Mr. Smith made the following report:

Mr. PRESIDENT—

The select committee to which was referred a bill to establish a state road from Napoleon in Ripley county, to Vernon in the county of Jennings, have had the same under consideration, and have directed me to report the same to the Senate with the following amendments, and ask their concurrence therein:

The amendments were concurred in; and

On motion, considered as engrossed, the bill read a third time and passed.

Mr. Thompson of P. made the following report:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives, to incorporate the Richmond trading and manufacturing company, have had that subject under consideration, and directed me to report it back without amendment, and ask to be discharged from the further consideration thereof.

The bill was read a third time and passed.

On motion of Mr. Thompson of J., the following resolution was adopted:

*Resolved,* That the committee on claims be instructed to inquire into the expediency of making an allowance of \$28 65, to David Allen, sheriff of Johnson county, which amount was spent by him in procuring assistance and horses to convey Alexander Caldwell and Mordecai Caldwell, two prisoners from the county of Johnson to the state's prison, over and above the amount allowed by law, with leave to report by bill or otherwise.

On leave granted, Mr. Brady introduced the petition of J. Mothershead and others, on the subject of a house for the fire engine company which was,

On motion of Mr. Brady, referred, with a bill on the same subject, to the committee on public buildings; and

On motion,

The Senate adjourned.

WEDNESDAY, FEBRUARY 1, 1837.

The Senate assembled.

Mr. Crawford presented the petition of Isaac Tibbat and others, citizens of Noble county, praying for a re-location of the county seat of Noble county, which was,

On motion, referred to a select committee;

*Ordered*, That Messrs. Crawford, Everts, and Liston be said committee.

Mr. Elliott from the joint committee on enrolled bills made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did, on this day, present to His Excellency the Governor for his approval and signature, the following bills which originated in the House of Representatives:

No. 3—An act providing for the mode of electing United States Senator, and for other purposes;

No. 110—An act to amend the act to incorporate the town of Indianapolis;

No. 130—An act to vacate a part of the Indianapolis, Centreville, and Richmond state road;

No. 166—An act to legalize the proceedings of the trustees of the Presbyterian church in Greensburg, Decatur county;

No. 171—An act to legalize the proceedings of the trustees of township 6, range 1 west, in Dearborn county;

No. 203—An act to legalize the proceedings of the board of trustees of the Salem Presbyterian congregation;

No. 105—An act to repeal an act to relocate part of the state road leading from Martinsville, in Morgan county, to Danville, in Hendricks county;

No. 206—An act to relocate a part of the New Castle and Lafayette state road in the counties of Clinton and Tippecanoe;

No. 210—An act to amend an act entitled an act to incorporate the town of Terre-Haute, approved February 1, 1833;

No. 211—An act to repeal so much of the act amendatory to the several acts regulating the jurisdiction and duties of justices of the peace in the several counties therein named, approved February 7, 1835, as relates to the county of Vermillion;

No. 227—An act to locate a bridge, and re-locate a part of a certain state road in the county of Vermillion;

No. 234—An act to incorporate the New Albany Guards;

No. 228—An act to legalize the proceedings of the board of commissioners of Warrick county at their January term, 1837;

No. 204—An act amendatory of an act entitled an act incorporating the Carlisle school district:

Mr. Elliott from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred a bill of the House, No. 265, to incorporate the Fountain county insurance company, and the Williamsport Warren county insurance company, and the Rockville Parke county insurance company, have had the same under consideration, and report it back without amendment and ask to be discharged from the further consideration thereof.

On motion the rules were dispensed with, the bill was considered as engrossed and read a third time and passed.

Mr. Stanford made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred a bill, No. 318, to incorporate the town of Cleaveland in Tippecanoe county, have had the same under consideration, and have directed me to report it back to the Senate without amendment;

On motion, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. Liston made the following report:

MR. PRESIDENT—

The judiciary committee to whom was referred the bill to amend an act entitled an act to incorporate Michigan City, approved February 8, 1835, have had the same under consideration and recommend that the bill be indefinitely postponed.

On motion, the bill and report was laid on the table.

Mr. Kennedy made the following report:

MR. PRESIDENT—

The committee on the judiciary to whom was referred the bill entitled an act amendatory to an act to amend the charter and define the powers and duties of the President and Trustees of the town of Evansville, approved February 8th, 1836, have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration of the same.

On motion of Mr. Kenneday, the rules of the Senate were dispensed with, and the bill in the report mentioned, was read a third time and passed.

Mr. Collins made the following report:

Mr. PRESIDENT—

The committee on the judiciary to whom was referred the bill of the House of Representatives No. 304, entitled an act to incorporate the Evansville Trust Company, have had the same under consideration, and have made sundry amendments thereto, which they have instructed me to report to the Senate, with the bill, ask its concurrence in the amendments, and to be discharged from further consideration of the subject matter thereof.

The amendments were concurred in, and the rules of the Senate were dispensed with, the bill with the amendments considered as engrossed and read a third time and passed.

Mr. Thompson of L. made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the engrossed bill of the House of Representatives, No. 148, entitled a bill to incorporate the Indianapolis Master Carpenter and Joiners' Association, have directed me to report the same back to the Senate and recommend the following amendment, as an additional section.

The amendments were concurred in, and the rules of the Senate were dispensed with, the bill with its amendments considered as engrossed, and read a third time and passed.

Mr. Thompson of L. made the following report.

Mr. PRESIDENT—

The judiciary committee to which was referred the engrossed bill of the House of Representatives No. 240, entitled a bill authorizing the guardian of the heirs of Edward Elliot, dec'd, to sell real estate therein named, have directed me to report the same back without amendment, and ask to be discharged from the further consideration thereof.

On motion of Mr. Dunning, the rules of the Senate were dispensed with, and the bill was read the third time and passed.

Mr. Thompson of L. made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the engrossed bill of the House of Representatives No. 290, entitled a bill to provide for the establishment of titles to lots in the town of Merom, Sullivan county, have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

On motion, the rules of the senate were dispensed with, the bill in the report was considered as engrossed, and read a third time and passed.

Mr. Thompson of L. made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred the engrossed bill of the House of Representatives No. 301, entitled a bill granting to the citizens of Madison, a city charter, have had the same under consideration, and have directed me to report it back to the Senate, and recommend that it be amended as follows.

The amendments were concurred in, and

On motion of Mr. Hillis, the rules of the Senate were dispensed with, the bill considered as engrossed, and read a third time and passed.

Mr. Dumont made the following report;

MR. PRESIDENT—

The committee on education to which was referred a bill of the House to incorporate the Hendricks county seminary, have instructed me to report it back to the Senate with one amendment.

The amendment was concurred in, and on motion of Mr. Dumont, the rules were dispensed with, and the bill with the amendment, was read the third time and passed.

Mr. Dumont made the following report:

MR. PRESIDENT—

The committee on education to which was referred a bill of the House of Representatives, authorizing the school commissioners to draw from the State Treasury certain moneys therein named, have instructed me to report it back to the Senate without amendment, and ask to be discharged.

On motion, the rules of the Senate were dispensed with, and the bill was read the third time and passed.

Mr. Dumont made the following report:

MR. PRESIDENT—

The committee on education to which was referred a bill of the House to amend an act entitled an act relating to county seminaries, approved February 4, 1831, have instructed me to report it back to the Senate and recommend its indefinite postponement;

Which report was concurred in.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill from the House of Representatives No. 287, entitled an act repealing part of the act entitled an act to provide for a general system of internal improvements, approved Jan. 27, 1834, have instructed me to report it to the Senate without amendment.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill from the House of Representatives, No. 184, entitled an act to extend the Erie and Michigan canal, have instructed me to report an amendment thereto, in which the concurrence of the Senate is requested.

The amendment was concurred in.

On motion of Mr. Mitchell, the amendment was considered as engrossed, and the rules of the Senate were dispensed with, and the bill was read a third time and passed.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the Senate, entitled a bill to amend an act to incorporate the Michigan and Kankakee Rail or Canal Company, have examined the provisions of said bill, and are of the opinion that by its passage the State would be disposed of important interests, which ought not to be granted to any incorporated company; and they have therefore instructed me to report to the Senate their recommendation that it be indefinitely postponed;

In which the concurrence of the Senate is requested.

The report was concurred in.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the Senate entitled a bill to authorize the board of internal improvement to change the location of state and county roads, in certain cases, and for other purposes, have considered said bill, and have instructed me to report it to the Senate with a recommendation that it be indefinitely postponed, in which the concurrence of the Senate is requested.

The report was concurred in.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the Senate entitled a bill supplemental to an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836, have considered said bill, and have instructed me to report it to the Senate, with a recommendation that it be indefinitely postponed;

In which the concurrence of the Senate is requested.

The question being on the indefinite postponement of said bill,



*Those who voted in the affirmative are,*

Messrs. Beard, Brady, Clark, Claypool, Cole, Colerick, Collins, Conwell, Elliott, Hamilton, Hillis, Kennedy, Mitchell, Puett, Sigler, Stafford, Stanford, Thompson of L., Thompson of J., Trask, Vawter and Walker—22.

*And those who voted in the negative are,*

Messrs. Bell, Boon, Bradberry, Casey, Chambers, Daily, Dobson, Dumont, Dunning, Everts, Ewing, Fowler, Hoagland, Liston, Little, Milroy, Moore, Morgan, Smith, Stewart, Turman, and Thompson of P.,—22.

The President voting in the affirmative.

So the said bill was indefinitely postponed.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill from the House of Representatives No. 49, entitled an act to amend an act to provide for a general system of internal improvement, approved January 27, 1836—together with a petition and a remonstrance from sundry citizens of Greene county in relation to said bill, have instructed me to report to the Senate, that in their opinion, the bill ought to be indefinitely postponed;

In which the concurrence of the Senate is requested.

And on the question, shall it be indefinitely postponed?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Daily, Dobson, Dunning, Elliott, Everts, Fowler, Hamilton, Hoagland, Kennedy, Liston, Little, Milroy, Mitchell, Sigler, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of J., Trask, Vawter and Walker—36.

*Those who voted in the negative are,*

Messrs. Crawford, Dumont, Ewing, Hillis, Morgan, Puett, Smith, and Thompson of L.,—8.

So the bill was indefinitely postponed.

Mr. Brady made the following report:

MR. PRESIDENT—

The committee on the affairs of the town of Indianapolis to which was referred a bill to drain the swamps north of Indianapolis, have

had the same under consideration, and have directed me to report it back without amendment, and ask to be discharged from the further consideration thereof.

On motion of Mr. Brady, the rules of the Senate were dispensed with, and the bill in the report was read the third time and passed.

Mr. Boon made the following report:

Mr. PRESIDENT—

The committee on claims to which was referred the petition of John A. Mow, and others, praying that Isaac Drake be remunerated for money he expended in pursuing and the apprehending of Albert Rodgers and John Thompson, for stealing horses, have had the same under consideration, and have instructed me to report that it is inexpedient to grant the prayer of the petitioners, and ask to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Claypool made the following report:

The joint committee on public buildings to whom was referred a bill to preserve the fire engine at Indianapolis, have directed me to report the same with one amendment, and ask the concurrence of the Senate.

Mr. Claypool moved to amend the bill in the report as follows:

*Provided*, That the expense to the state shall not exceed two hundred dollars;

Which was agreed to.

On motion of Mr. Claypool, the amendment was considered as engrossed, and the bill read a third time, and

On the question shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Bell, Brady, Casey, Chambers, Claypool, Cole, Collins, Conwell, Crawford, Dobson, Dumont, Everts, Ewing, Fowler, Hillis, Hoagland, Little, Milroy, Moore, Morgan, Sigler, Stewart, Thompson of P., Thompson of L., Trask, and Walker—26.

*Those who voted in the negative are,*

Messrs. Beard, Boon, Bradberry, Clark, Dunning, Elliott, Hamilton, Kennedy, Liston, Puett, Smith, Stafford, Stanford, Turman, Thompson of J., and Vawter—16.

So the bill passed.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on corporations, to which was referred an engrossed bill from the House of Representatives, No. 312, entitled an act to in-

corporate the Lafayette and Michigan City turnpike company, have considered the provisions of said bill and directed me to report an amendment thereto; in which the concurrence of the Senate is requested.

The amendment was concurred in, and

On motion of Mr. Clark, the amendment was considered as engrossed, and the bill read a third time and passed.

Mr. Vawter made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor for his approval and signature, enrolled bills of the following titles that originated in the Senate, viz:

An act to establish and relocate certain state roads therein named, and for other purposes;

An act to provide for the construction of a lock in the pool dam near Delphi;

An act to incorporate the Wabash and Lafayette bridge company;

An act to organize the county of Wells;

An act to incorporate the Eel river manufacturing company;

An act for the relief of Seth Cushman, former collector for Sullivan county;

An act to authorize the change in the location of certain roads therein named;

Also of the House of Representatives of the following titles, viz:

No. 13—An act to incorporate the town of Knightstown;

No. 60—An act to change the mode of doing county business in the county of Gibson;

No. 120—An act to encourage the apprehension of horse thieves, and other fugitives from justice, in the county of Washington;

No. 149—An act to incorporate the town of Bloomfield;

No. 150—An act to provide for the improvement of the Michigan road north of Indianapolis, and for other purposes;

No. 192—An act to extend the jurisdiction and power of the president and trustees of the town of Vernon, county of Jennings;

No. 195—An act authorizing Paul McCoon, William Avery, and E. F. Call to build a dam across the Wabash river;

No. 198—An act to incorporate the Porter county Seminary;

No. 200—An act to provide for opening and repairing public roads and highways in the county of Clay;

No. 202—An act to authorize Samuel Coleman of Fountain county to sell certain town lots in the town of Attica, and also to make certain conveyances of lots now sold.

No. 217—An act permanently fixing the line between the counties of Jefferson and Clark;

No. 219—An act to amend an act entitled an act to regulate the mode of doing county business, approved February 7, 1835,

No. 222—An act to incorporate the Clay county seminary;

**Mr. Hoagland made the following report:**

**Mr. PRESIDENT—**

The committee on corporations, to which was referred the engrossed bill of the House of Representatives, entitled a bill No. 298, to incorporate the Brownstown insurance company, have according to order, had the same under consideration, and have directed me to report it back with one amendment; in which they ask the concurrence of the Senate.

The amendment was concurred in, and

On motion of Mr. Hoagland, the rules were dispensed with, the amendment was considered as engrossed, and the bill read a third time and passed.

**Mr. Everts made the following report:**

**Mr. PRESIDENT—**

The committee on corporations, to which was referred the petition of John B. Chapman and others, stockholders of the Turkey Plain manufacturing company, praying amendments in the act of incorporation, have had the same under consideration and have directed me to report the following amendments:

The bill in the report, was read a first time, and

On motion of Mr. Everts, the rules were dispensed with, and the bill was read a second time.

Mr. Clark moved to amend the bill as follows:

*Provided* That nothing herein contained shall hereafter prevent the state from using any water applied by the company to the purpose of propelling machinery or to any other purpose to feed any canal or other channel of navigation which may hereafter be constructed by the state;

Which was agreed to, and the amendment was considered as engrossed, and read a third time and passed.

**Mr. Puett made the following report:**

**Mr. PRESIDENT—**

The select committee to whom was referred a bill No. 315, which provides for the distribution of the three per cent. fund belonging to Parke county, have had that subject under consideration and have directed me to report the same back to the Senate with one amendment and ask their concurrence therein.

The amendment was concurred in, and the rules of the Senate were dispensed with, the amendment considered as engrossed, and the bill was read a third time and passed.

**Mr. Puett made the following report:**

**Mr. PRESIDENT—**

The select committee to whom was referred a bill of the House, No. 268, to vacate a part of a certain state road, and to re-locate a part of another state road in the county of Vermillion, have had the same under consideration, and directed me to report the same to the Senate with one amendment, which is to strike out the 4th section of said bill and ask their concurrence therein.

The amendment was concurred in; and

On motion, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. Stewart from the select committee made the following report:

**Mr. PRESIDENT—**

The select committee to whom was referred the resolution of the Senate directing them to enquire into the expediency of providing for the survey of a clay turnpike road from Mt. Carmel to New Albany, has had the same under consideration and have directed me to report the following bill:

The bill in the report mentioned was read a first time, and

On motion of Mr. Stewart, the rules of the Senate were dispensed with, and the bill read a second time.

On motion,

The Senate adjourned.

*2 o'clock, P. M.*

The Senate assembled.

Mr. Vawter from the committee on enrolled bills made the following report:

The committee on enrolled bills report that they have compared the enrolled bill of the following title, that originated in the Senate, viz:

An act to amend an act entitled an act to incorporate the Perryville and Danville rail road company with the engrossed bill and find the same truly enrolled.

The orders of the day were then taken up.

The bill entitled an act amendatory of an act entitled an act for opening and repairing public roads and highways, approved February 10, 1831, was read a third time and passed.

On motion of Mr. Milroy, the bill to incorporate Michigan City was taken up, and

On motion of Mr. Everts was referred to a select committee;

*Ordered*, That Messrs. Everts, Liston, and Milroy be that committee.

Mr. Vawter from the committee on enrolled bills made the following report:

Mr. PRESIDENT—

The committee on enrolled bills report that they have compared the engrossed with the enrolled bills of the House of Representatives of the following titles, to-wit:

No. 138—An act supplemental to an act to enable the school commissioners of the several counties of this state to correct the returns of the collectors, approved Feb. 1, 1836;

No. 321—An act authorizing Richard M. Kirk to raise his mill dam three feet higher;

No. 116—An act to regulate the jurisdiction of justices of the peace in the counties of Tippecanoe, Orange, and Warren;

No. 125—An act to authorize the board of commissioners of Washington county to fund at interest certain moneys therein named, and for other purposes;

No. 163—An act to amend an act entitled an act for the regulation of the state prison;

No. 317—A joint resolution for the benefit of certain French inhabitants in and near Vincennes;

No. 305—An act declaring a certain county road in Vermillion county a state road;

No. 32—An act to amend an act to incorporate the Jeffersonville and New Albany canal company;

No. 266—An act declaring Yellow river a public highway;

No. 297—An act to change the mode of doing county business in the county of Boon;

No. 272—An act declaring a certain road therein named a state road;

An act to authorize Daniel A. Rollins to sell certain real estate therein named;

No. 299—An act to establish a state road;

With the engrossed bills and find the same truly enrolled.

The bill entitled a bill to amend the act entitled an act to provide for a general system of internal improvement, approved January 27, 1836, was read a third time,

And on the question shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Brady, Casey, Colerick, Crawford, Daily, Dobson, Dumont, Everts, Ewing, Fowler, Hoagland, Kennedy, Milroy, Mitchell, Moore, Morgan, Puett, Smith, Stewart, Turman, Thompson of P., Trask and Walker—25;

*And those who voted in the negative are,*

Messrs. Beard, Bradberry, Chambers, Clark, Claypool, Cole, Collins, Conwell, Dunning, Elliott, Hackett, Hamilton, Hillis, Liston, Little, Sigler, Stafford, Stanford, Thompson of L., Thompson of J., and Vawter—21.

So said bill passed.

The bill entitled a bill amendatory of an act entitled an act relative to crime and punishment, approved Feb. 10, 1831, was read a third time and passed.

The bill entitled a bill to amend an act entitled an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved February 10, 1831, was read a third time and passed.

Bill No. 282, entitled an act relative to the Tippecanoe Battle Ground, was read a third time;

And on the question shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Everts, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Kennedy, Liston, Little, Milroy, Moore, Morgan, Puett, Sigler, Smith, Stafford, Stanford Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., Trask, Vawter and Walker—45:

*And he who voted in the negative is,*

Mr. Mitchell.

So said bill passed.

Bill No. 212, entitled an act to amend the several acts regulating the mode of doing county business in the county of Martin, was read a third time and passed.

Bill No. 56, entitled an act to prevent the retailing of spiritous liquors upon the several lines of public works, was read a third time;

Mr. Moore moved to lay it on the table,

Which was not agreed to;

And on the question shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Clark, Claypool, Conwell, Dumont, Elliott, Everts, Kennedy, Little, Milroy, Mitchell, Sigler, Stanford, Thompson of P., and Walker—18;

*And those who voted in the negative are,*

Messrs. Bell, Brady, Casey, Chambers, Cole, Colerick, Collins, Crawford, Daily, Dobson, Dunning, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Liston, Moore, Morgan, Puett, Smith, Stafford, Stewart, Turman, Thompson of L., Thompson of J., Trask and Vawter—28

So the bill did not pass.

Bills of the second reading were then taken up.

Bill No. 74, entitled an act to amend an act to incorporate the Logansport and Eel river bridge company, approved February 5, 1836, was read a second time, and

On motion of Mr. Ewing, the rules of the Senate were dispensed with, the bill read a third time and passed.

Bill No. 41, entitled an act legalizing the assessment of revenue in the county of Martin, was read a second time, and

On motion of Mr. Moore, the rules of the Senate were dispensed with, the bill read a third time and passed.

Bill of the Senate No. 57, entitled an act to amend an act entitled an act allowing and regulating the writ of ad quod damnum, approved December 20, 1823, was read a second time, and

On motion of the Mr. Everts the rules of the Senate were dispensed with, the bill read a third time and passed.

Bill of the House No. 57, entitled an act to alter the county boundary of the counties of Warren and Jasper, was read a second time;

Mr. Turman moved to amend the bill as follows:

That hereafter the northern boundary lines of the county of Warren shall be as follows, to-wit: Beginning at the north-west corner of said county, thence north seven miles, thence east to the line dividing the counties of Jasper and White, thence south to the original corner of Warren.

On motion of Mr. Everts the bill and amendments were laid on the table.

Bill of the House No. 19, entitled an act to incorporate the Lawrenceburgh savings institution, was read a second time, and

On motion of Mr. Smith, referred to the judiciary committee.

Bill No. 54, entitled an act to provide for the appointment of an Attorney General, was read a second time;

Mr. Colerick moved to amend the bill so as to vest the appointment of said attorney in the joint ballot of the General Assembly;

Mr. Boon moved to indefinitely postpone the bill, which was agreed to.

Bill of the Senate No. 59, entitled an act authorizing the repair of the house on the Circle for the future residence of the Governor of the state of Indiana, was read a second time, and

On motion of Mr. Morgan, indefinitely postponed.

Bill of the House No. 42, entitled an act to legalize the proceedings of the probate court of Dearborn county, was read a second time, and

On motion of Mr. the rules of the Senate were dispensed with, the bill read a third time and passed.

Bill No. 60, entitled an act amendatory of the act for the prevention of frauds and perjuries, was read a second time;

Mr. Kennedy moved to indefinitely postpone the bill;

And on the question shall it be so postponed?



*Those who voted in the affirmative are,*

Messrs. Boon, Bradberry, Brady, Casey, Chambers, Colerick, Daily, Dobson, Dumont, Dunning, Everts, Fowler, Hackett, Hillis, Hoagland, Kennedy, Little, Milroy, Mitchell, Moore, Morgan, Puett, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J. and Walker—29;

*And those who voted in the negative are,*

Messrs. Beard, Bell, Clark, Claypool, Cole, Collins, Conwell, Crawford, Elliott, Ewing, Hamilton, Liston, Sigler, Stanford, Trask and Vawter—16.

So the bill was indefinitely postponed.

Bill No. 58, entitled an act to appropriate to the several counties of this state a part of the three per cent. fund, was read a second time, and

On motion of Mr. Dunning laid on the table.

Bill No. 56, entitled an act to incorporate the Lawrenceburgh and Tanners creek bridge company, was read a second time, and

On motion of Mr. Morgan the rules of the Senate were dispensed with, the bill read a third time and passed.

Bill No. 62, entitled an act to locate a state road in Laporte county, was read a second time, and

On motion of Mr. Everts, the rules of the Senate were dispensed with, the bill read a third time and passed.

Bill No. 68, entitled an act to incorporate the Indianapolis Female Institute, was read a second time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with, the bill read a third time and passed.

Bill No. 70, entitled an act supplemental to an act entitled an act providing for a general system of internal improvement, approved January 27, 1836, was read a second time, and

On motion of Mr. Dunning, referred to the committee on canals and internal improvement.

Bill No. 72, entitled an act to amend an act to incorporate the Buffalo and Mississippi rail road company, approved February 6, 1835, was read a second time, and

On motion of Mr. Everts, the rules of the Senate were dispensed with, the bill read a third time and passed.

Bill No. 73, entitled an act amendatory of an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836, was read a second time, and

On motion of Mr. Clark, laid on the table.

Bill No. 76, entitled an act to amend an act subjecting real and personal estate to execution, approved February 4, 1831, was read a second time, and

On motion of Mr. Thompson of P., referred to the committee on corporations.

Bill No. 75, entitled an act declaring a certain road therein named a state road, was read a second and third time and passed.

Bill No. 77, entitled an act to amend an act entitled an act for the incorporation of public Libraries, approved December 17, 1816, was read a second time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with, the bill read a third time and passed.

Bill No. 35, entitled an act to incorporate the Milton savings institution, was read a second time, and

On motion of Mr. Thompson of P., referred to the judiciary committee.

The bill No. 31, entitled an act to regulate the disbursement of the three per cent. fund in the unorganized counties, was read a second time, and

On motion of Mr. Liston, the bill was laid on the table.

On leave granted, Mr. Moore introduced a bill to incorporate the Washington savings institution, which was read a first time and passed to a second reading.

On leave granted, Mr. Walker introduced a bill to incorporate the town of Shelbyville, which was read a first time, and

On motion of Mr. Walker, the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Kennedy the bill was referred to the committee on corporations.

The bill entitled a bill to authorize the commissioner of the Reserve township to sell certain seminary lands therein named, was read a second time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with, the bill read a third time and passed.

Mr. Chamber from the select committee made the following report:

Mr. PRESIDENT—

The select committee to which was referred the petition of Burton Souther, David Jones, and Thomas Jones, trustees of the congressional township No. 3, north of range 2 west, in Lawrence and Orange counties, praying the legalizing the election for the sale of the 16th section of said township, have directed me to report the following bill:

The bill in the report mentioned was read a first time, and

On motion of Mr. Chambers, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of the same gentlemen, the rules were further dispensed with, and the bill read a third time and passed.

The bill entitled a joint resolution directing the binding and distribution of the acts of congress now in the office of the Secretary of State, was read a second time, and

On motion, it was laid on the table.

Mr. Claypool from the select committee made the following report

**MR. PRESIDENT—**

The select committee to whom was referred a bill from the House of Representatives to provide for the erection of a bridge over the West Fork of White Water river at Connorsville, report the same to the Senate with an amendment, to which their concurrence is requested, to-wit:

Strike it out from the enacting clause and insert the following:

The amendment was concurred in, and with the bill considered as engrossed, and read a third time and passed.

On motion, the Senate adjourned.

**THURSDAY, FEBRUARY 2, 1837.**

**The Senate assembled.**

Mr. Elliott moved to re-consider the vote taken some days previous, on the indefinite postponement of a bill entitled, an act to form a new county out of the county of Dearborn; and

On the question shall it be so re-considered?

*Those who voted in the affirmative are,*

Messrs. Bell, Bradberry, Brady, Casey, Chambers, Claypool, Cole, Collins, Crawford, Elliott, Everts, Ewing, Fowler, Hackett, Kennedy, Morgan, Puett, Sigler, Stafford, Stewart, Turman and Thompson of L.,—21.

*Those who voted in the negative are,*

Messrs. Boon, Clark, Colerick, Conwell, Daily, Dumont, Hamilton, Hillis, Hoagland, Little, Milroy, Smith, Stanford, Thompson of P., Thompson of J., Trask, Vawter and Walker—18.

So the said vote was re-considered.

Mr. Smith moved to lay the bill on the table; and

Upon the question shall the bill be laid on the table?

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Chambers, Conwell, Daily, Dobson, Dumont, Dunning, Hamilton, Hillis, Hoagland, Little, Milroy, Smith, Stanford, Stanford, Turman, Thompson of P., Thompson of J., Vawter and Walker—21.

*And those who voted in the negative are,*

**Messrs.** Beard, Bradberry, Brady, Casey, Clark, Claypool, Cole, Colerick, Collins, Crawford, Elliott, Everts, Ewing, Fowler, Hackett, Kennedy, Liston, Morgan, Puett, Sigler, Stewart, Thompson of L., and Trask—23.

Mr. Caypool called for the previous question;

And the question being, shall the main question be now put?

*Those who voted in the affirmative are,*

**Messrs.** Beard, Bradberry, Brady, Casey, Clark, Claypool, Cole, Colerick, Collins, Crawford, Elliott, Everts, Ewing, Hackett, Hamilton, Kennedy, Liston, Milroy, Morgan, Puett, Sigler, Stewart, Turman, Thompson of L., and Trask—25.

*Those who voted in the negative are,*

**Messrs.** Bell, Boon, Chambers, Conwell, Daily, Dobson, Dumont, Dunning, Fowler, Hillis, Hoagland, Little, Mitchell, Smith, Stafford, Stanford, Thompson of P., Thompson of J., Vawter and Walker—20.

So the question was decided that the main question should be put.

The question then recurring upon the engrossment of the said bill for a third reading on to-morrow,

*Those who voted in the affirmative are,*

**Messrs.** Bradberry, Brady, Casey, Claypool, Cole, Colerick, Collins, Crawford, Elliott, Ewing, Fowler, Kennedy, Mitchell, Morgan, Puett, Sigler, Stewart, Turman, Thompson of L., and Trask—20.

*Those who voted in the negative are,*

**Messrs.** Bell, Boon, Chambers, Clark, Conwell, Daily, Dobson, Dumont, Dunning, Hackett, Hamilton, Hillis, Hoagland, Little, Mitchell, Smith, Stafford, Stanford, Thompson of P., Thompson of J., Vawter and Walker—22.

So the bill was not engrossed.

Mr. Collins from the joint committee of free conference, appointed on that subject, made the following report:

**Mr. PRESIDENT—**

The joint committee of free conference, appointed on the part of the two Houses to take into consideration the disagreeing votes thereof relative to the 5th amendment proposed by the Senate to the engrossed bill of the House of Representatives, No. 83, entitled an act to incorporate the Mount Carmel and New Albany rail road company, has according to order had the same under consideration, and

has agreed to modify said proviso by substituting the word impracticable for the word inexpedient in the 4th line of the said proviso.

And on the question, shall the report of the committee be concurred in.

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Brady, Casey, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dunning, Everts, Fowler, Hackett, Hamilton, Hillis, Hoagland, Kennedy, Little, Milroy, Mitchell, Morgan, Puett, Sigler, Stewart, Turman, Thompson of P., and Thompson of L.—30.

*Those who voted in the negative are,*

Messrs. Beard, Dobson, Dumont, Liston, Moore, Stafford, Stanford, Thompson of J., Trask, Vawter and Walker—11.

Mr. Daily presented the petition of William Wells and others, citizens of Clark county, praying for a state road from New Albany in Floyd county to Charlestown in Clark county; which was,

On motion of Mr. Daily, referred to the committee on roads.

Mr. Colerick presented the remonstrance of Isaiah Dungan and others, citizens of Noble county, remonstrating against the re-location of the county seat of Noble county; which was,

On motion, referred to the same select committee to which was referred the petition on the same subject.

On motion, Mr. Colerick was added to said committee.

Mr. Kennedy presented the petition of John Ritchey and others, citizens of Delaware county, praying that a law may be passed to authorize the election of township trustees in said county, and to define their powers and duties, &c.; which was,

On motion of Mr. Kennedy, referred to a select committee.

*Ordered*, That Messrs. Kennedy, Trask and Bell be said committee.

Mr. Everts made the following report:

Mr. PRESIDENT—

The select committee to which was referred a bill of the House of Representatives, entitled an act to amend an act to incorporate Michigan City, approved Feb. 8, 1836, have had the same under consideration, and have made sundry amendments, which I am directed to report to the Senate and ask their concurrence.

The amendments were concurred in, and considered as engrossed, and the bill was read the third time and passed.

The following message was received from the House of Representatives by Mr. Elliott, their clerk:

**Mr. President—**

The House of Representatives has passed an engrossed bill of the Senate, entitled an act to appropriate the three per cent fund in the several counties therein named, with several amendments, by adding thereto all the sections after No. 23;

In which the concurrence of the Senate is requested.

The amendments were concurred in.

The following message was received from the Governor by Mr. Maguire his private secretary:

**Mr. President—**

The Governor has approved and signed acts which originated in the Senate, entitled as follows viz:

No. 38—An act to establish a certain State road therein named in the counties of Perry, Crawford and Orange;

An act to establish and re-locate certain state roads therein named, and for other purposes;

An act to incorporate the Wabash and Lafayette bridge company;

An act to incorporate the Eel river manufacturing company;

No. 40—An act to change the direction of the Michigan road on section No. 32, of said road, situated in Fulton county;

An act to amend an act entitled, an act to establish a state road from Rome, Perry county, to Jasper in Dubois county, approved February, 1835;

An act for the relief of Seth Cushman, former collector of Sullivan county;

An act to authorize the change in the location of certain roads therein mentioned;

An act to authorize a change in part of the state road from Mooresville, by Danville, to Crawfordsville;

An act to organize the county of Wells;

An act to provide for the construction of a lock in the pool dam near Delphi;

An act supplemental to an act entitled an act authorizing the commissioner of the Michigan road to correspond with the commissioner of the General Land office, in order to have the title perfected to the State of Indiana to the Michigan road grant and for other purposes, app. Jan. 20, 1837,

A joint resolution in relation to the public lands suspended from sale on the line of the Wabash and Erie canal, in the State of Indiana.

Mr. Vawter from the joint committee on enrolled bills, made the following report:

Mr. President—

The joint committee on enrolled bills report that they did this day present to his excellency, the Governor, for his approval and signature, enrolled bills of the following titles, that originated in the House of Representatives, viz:

No. 232—An act to provide for the sale of the tools belonging to the Michigan road;

No. 224—An act to revive the corporation of the town of Bowling-green in Clay county;

No. 259—An act to repeal the 20th section of the act to regulate the mode of doing county business, so far as the same relates to the counties of Sullivan and Johnson;

No. 213—An act authorizing the commissioner of the reserve township of seminary lands in Monroe county to cancel certain contracts therein named;

No. 190—An act declaring certain names misprints;

No. 248—An act to amend an act to incorporate the Ohio and Indianapolis rail road company;

No. 303—An act declaring certain county roads therein named, state roads;

No. 225—An act to change the name of the town of Mongoquenon in Lagrange county, to that of Lima;

No. 125—An act to authorize the board of commissioners of the county of Washington to fund at interest certain monies therein named and for other purposes;

No. 116—An act to regulate the jurisdiction of justices of the peace in the counties of Tippecanoe, Orange and Warren;

No. 321—An act authorizing Richard M. Kirk to raise his mill dam three feet higher;

No. 163—An act to amend an act entitled an act for the regulation of the state prison;

No. 138—An act supplemental to an act to enable the school commissioners of the several counties of this state to correct the returns of the collectors, app. Feb. 1, 1836;

No. 272—An act declaring a certain road therein named, a state road;

No. 266—An act declaring Yellow river a public highway;

No. 297—An act to change the mode of doing county business in the county of Boone;

No. 129—An act to authorize Daniel A. Rawlins to sell certain real estate therein named;

No. 32—An act to amend an act to incorporate the Jeffersonville and New Albany canal company;

No. 292—An act to establish a state road;

No. 305—An act declaring a certain county road in Vermillion co. a state road;

No. 171—An act to incorporate the Washington Hall company;

**No. 317**—A joint resolution for the benefit of certain French inhabitants in and near Vincennes;

**No. 322**—A joint resolution on the subject of sundry amendments to the constitution of the United States;

Also, enrolled bill of the Senate, viz:

An act to amend an act entitled an act to incorporate the Perrysville and Danville rail road company.

On motion, the Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

The followigg message was received from the House of Representatives, by Mr. Proffitt, a member:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House insists on its disagreement to the 5th amendment of the Senate to the bill of the House entitled a bill No. 83, to incorporate the New Albany and Mount Carmel rail road company, and that they have on their part appointed Messrs. Thornton and Proffitt to act as a committee of free conference with the committee appointed on the part of the Senate.

Mr. Ewing presented a communication from G. A. Fait, on the subject of the re-location of the county seat of Noble county,

Which was referred to the same select committee to which the petitions and remonstrance on that subject was referred.

Mr. Liston made the following report:

Mr. PRESIDENT—

The select committee to which was referred the bill of the House for the preservation of the State House and for other purposes, have had the same under consideration, and have directed me to report the same back to the Senate with one amendment, to wit:

Strike out the fifth section and insert the following:

The amendments were concurred in; and

On motion considered as engrossed, and the bill read a third time and passed.

Mr. Smith offered the following resolution which was adopted:

*Resolved*, That the Senate proceed instantler to elect a president of the Senate, *pro. tem.*

Messrs. Bell and Smith were appointed tellers.

The Senate then proceeded to the election of a president, *pro. tem.* of the Senate, when it appeared, on the first balloting that Richard



W. Thompson was duly elected, he having received a majority of all the votes given.

Mr. Thompson was conducted to the chair by the tellers.

On motion of Mr. Brady, the bill authorizing the sale of certain lots in the town of Indianapolis and for other purposes, was taken up, and referred to a select committee.

*Ordered*, That Messrs. Brady, Cole, and Claypool be said committee.

Mr. Claypool made the following report;

Mr. President—

The select committee to whom was referred a bill of the House of Representatives to provide for the construction of a bridge over the east fork of White Water river at Brownsville, have directed me to make the following report, to-wit:

Strike the bill out from the enacting clause, and insert in lieu thereof the following, to which the concurrence of the Senate is requested:

The amendments were concurred in, and

On motion, considered as engrossed, and the bill was read a third time and passed.

Mr. Beard made the following report:

The committee on roads, to whom was committed the engrossed bill of the House No. 230, entitled an act to incorporate the Peru, Mexico, and Rochester turnpike company, have had that subject under their consideration, and directed me to report the same without amendment and ask to be discharged from the same.

On motion, the rules were dispensed with, and the bill was read a third time and passed.

Mr. Stanford made the following report:

Mr. President—

The select committee to whom the Governor's communication was referred, on the subject of procuring engineers to survey and locate the several rail roads and turnpikes, committed to his charge, involving the expenditure of a large amount of money, report, that they have had the subject of that communication under their consideration, and find that the Governor received of the Fund Commissioners the sum of

That he had in his hands per sale of States property	
and premium on eastern checks	556 56

Making the sum total of	\$23,210 06
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And the Governor produced vouchers to the committee shewing that he had expended, and refunded to the fund commissioners the sum of \$23,210 06, whereby it appears that the whole amount of money placed in his hands for the above objects, has been faithfully accounted for.

Mr. Thompson of L., made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the engrossed bill of the House of Representatives No. 230, entitled a bill to amend an act entitled an act to regulate the fees and salaries of the several officers and persons therein named, have directed me to report the same back to the Senate, and recommend that it be amended as follows:

The amendments were concurred in, and considered as engrossed, and on motion, the rules of the Senate were dispensed with, the bill read a third time.

Mr. Claypool moved to recommit the bill with instructions to amend by striking out "twenty-five cents," which was not agreed to.

And on the question, shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Brady, Bradberry, Casey, Chambers, Clark, Cole, Collins, Conwell, Crawford, Dobson, Dumont, Elliott, Ewing, Fowler, Hackett, Hamilton, Kennedy, Liston, Little, Milroy, Mitchell, Puett, Sigler, Stafford, Turman, Thompson of L., Thompson of J., Trask and Vawter—30.

*And those who voted in the negative are,*

Messrs. Beard, Claypool, Daily, Hillis, Hoagland, Moore, Morgan, Smith, Stanford, Stewart, Thompson of P., and Walker—15.

So the bill passed.

Mr. Walker made the following report:

Mr. PRESIDENT—

The committee on corporations have had a bill under consideration, incorporating the town of Shelbyville, and have directed me to report it back to the Senate without amendment, and ask to be discharged from the further consideration of that subject.

The rules of the Senate were dispensed with, the bill was read a third time and passed.

On motion of Mr. Liston, the bill to regulate the disbursement of the 3 per cent fund in the unorganized counties, was taken up and referred to a select committee.

*Ordered*, That Messrs. Liston, Colerick, Everts, and Crawford, be said committee.

Mr. Cole made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements, to whom was

referred an engrossed bill from the House of Representatives, No. 243, entitled an act to incorporate the Indianapolis, Lebanon, and Lafayette Turnpike company, have had the same under consideration, and they have directed me to report the same to the Senate without amendment.

On motion, the rules of the Senate were dispensed with, the bill was read the third time and passed.

On motion of Mr. Vawter,

*Resolved*, That the thanks of the Senate be tendered to Honorable David Wallace, for the prompt, and very satisfactory manner in which he has sustained the dignity of the Chair, during the period he has presided over the deliberations of the Senate.

On motion of Mr. Morgan, the bill to provide for the survey of a rail road from Rushville to Cambridge City, was taken up, and on the question, shall the bill be engrossed for a third reading?

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Bradberry, Brady, Casey, Cole, Colerick, Daily, Dobson, Dumont, Elliott, Ewing, Fowler, Hoagland, Liston, Milroy, Mitchell, Moore, Morgan, Puett, Smith, Stanford, Stewart, Thompson of P., Vawter and Walker—26;

*And those who voted in the negative are,*

Messrs. Beard, Chambers, Clark, Claypool, Collins, Conwell, Dunning, Everts, Hackett, Hamilton, Hillis, Kennedy, Little, Sigler, Stafford, Turman, Thompson of L., Thomposon of J., and Trask—20.

So the bill was engrossed for a third reading.

On motion of Mr. Colerick, the bill to authorize the Board of internal improvement to lease to John Bequeth, and his heirs, certain surplus water, was taken up, and on motion, the rules were dispensed with, the bill was read a second time; and on the question,

Shall the bill be engrossed for a third reading?

It was decided in the negative.

Mr. Milroy made the following report:

MR. PRESIDENT—

Your committee to whom was referred the report of the President of the State Bank, relative to the compensation allowed the canal fund commissioners; which committee was authorized to send for persons and papers, upon an investigation of the subject referred to them, the majority of said committee have instructed me to make the report herewith submitted, accompanied by a report from Dr. Coe, one of said commissioners—together with the testimony of sundry witnesses, that were examined by your committee, relative to the subject referred to them—and also a report of a minority of said committee, on the same subject; all which is respectfully submitted.

Mr. Liston made the following report:

Mr. PRESIDENT—

The select committee to whom was referred the resolution of the Senate instructing them to inquire into the amount of the per diem allowance received by the Fund Commissioners, report: That your committee, after a full investigation of the subject, find that the said commissioners have charged and received the sum of four dollars per day, while engaged in making loans at the same time for the Wabash and Erie canal, and for the State Bank; two dollars of which was charged to the Wabash and Erie canal fund; and the remaining two dollars per day was charged to the State bank; besides which the said fund Commissioners charged their necessary expenses while negotiating such loans. The majority of your committee therefore recommend the adoption of the following resolution, to-wit:

*Resolved,* That the committee on the judiciary be instructed to inquire into the legality of such allowances; and also into the expediency of further legislative enactment regulating the per diem allowance of the Fund commissioners.

MR. PRESIDENT—

The minority of your select committee appointed to inquire into what allowances have been made to the Fund Commissioners for services rendered in negotiating loans for internal improvement and for the State Bank, respectfully report:

That the examinations they have made fully establish the fact that the commissioners aforesaid have *claimed & received* for discharging the duties incident to their office, a *per diem* allowance of four dollars, and also the full amount of their incidental expenses. The first is proved by the document now submitted, and is also admitted by the report of Isaac Coe, a fund commissioner, herewith submitted, in which he attempts to justify the double charge. It may be remarked that commissioner Coe was called upon for facts, and that he has submitted arguments in favor and in defence of the claim set up by the commissioners. This was not asked for by your minority committee, and they are yet unprepared to coincide in those arguments, hoping, however, that their dissent may not prejudice any just claim of any commissioner. For a full understanding of the true state of the case, the minority of your committee would refer to the law under which the fund commissioners were appointed.

The sixth section of an act providing ways and means for the Wabash and Erie canal, says: "The Canal Fund Commissioners shall each be allowed the sum of two dollars for every day while necessarily employed in the business of the State, together with their necessary expenses; and the 106th section of the act establishing a State Bank, provides as follows, viz: "Said commissioners shall receive the same

per diem compensation for their services herein required, as now allowed them; also their expenses to be adjusted by the directors of the State." It will be admitted that the commissioners named and alluded to in the last quoted section of law are the canal commissioners; that their duties under the law of which the first recited section is a portion, were to procure a loan for objects of internal improvement; and their duties under the Bank law were to procure a loan or loans for the State Bank.

The ground assumed by the Fund Commissioners in charging double pay, is, that inasmuch as one law charged them with certain duties and allowed them two dollars per day; and another law charges them with other duties, and declares that as a compensation, "they shall receive a per diem compensation as now allowed," they are therefore entitled to *four dollars* per day. It is to be presumed that the reason why the Canal Fund Commissioners were authorized to negotiate a loan for the State Bank were two-fold; 1st, That in negotiating loans for canal purposes, they would necessarily become acquainted with the transactions in stock, the state of the money market, and those who dealt in it, and from such knowledge be more properly enabled to contract advantageously for the funds which the State desired for the creation of the bank. 2d, That by employing the same persons, the expense of an additional set of fund commissioners, would be avoided, which views are those of wise and prudent economists.

The minority of your committee believe that the legislature intended in the laws providing for the appointment of canal commissioners to fix their per diem compensation at such reasonable sum as would secure the services of qualified persons, and that such compensation was deemed sufficient by the commissioners, their acceptance of the trust is a proof.

It may be inferred, that when the legislature confided the negotiation of a loan, for bank purposes, to the same commissioners, and directed that they should receive the same per diem allowance "now allowed," it was the clear intention of the legislature that such commissions should be necessarily occupied in negotiating the bank loans at other times than when the canal loans were occupying their attention, and if so that they should receive for such time the same rate of pay as when employed for the state in the same capacity of fund commissioners. This may be inferred not merely from the spirit and meaning of the sections above recited, but also from the improbability that the legislature should intend to give the commissioners double pay, for the merely nominal additional responsibility and the necessity of giving bond and security, which is the principal ground of justification assumed by the responding commissioner as contained in his report.

Your minority committee cannot discover a reason why the commissioners were not as much entitled to double expenses as to double pay. If the law justifies the one it justifies both, as the per diem allowance and expenses are in each section of the law named, and in the same sentence; yet double expenses do not appear to have been al-

lowed: therefore the said committee recommend the adoption of the following resolution:

*Resolved*, That the committee on the canal fund be directed to report a bill defining more particularly the per diem compensation of the said fund commissioners.

SAM'L. MILROY,  
HENRY BRADY,  
GEO. CRAWFORD.

Mr. Smith moved to amend the resolution of the majority of the committee as follows:

And that they inquire further, whether the said fund commissioners have or have not been in the practice of drawing checks or drafts on the funds of the state deposited in the eastern cities, in favor of western merchants or other individuals, and whether said fund commissioners or any of them have been in the practice of charging or receiving a premium on any such checks or drafts, and if so, to what amount, and to what account has such premium (if any has been taken or received) carried, or to what purpose applied; and for the purpose of prosecuting such inquiry, they have power to send for persons and papers.

Mr. Sigler moved to lay the report of the majority and the pending amendment on the table;

Which was not agreed to.

And the said amendment was then adopted.

Mr. Milroy proposed the following amendment, which was laid on the table:

And also into the expediency of abolishing the board of canal fund commissioners and transferring their duties to the board of internal improvement.

On motion of Mr. Kennedy, the reports were referred to the judiciary committee.

On motion of Mr. Thompson of L., the select committee to whom was referred a communication relative to postage, was empowered to send for persons and papers.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate, entitled as follows, to-wit:

An act to amend the 24th section of an act relative to crime and punishment, approved Feb. 10, 1831;

An act to incorporate the Liverpool bridge company;

The first with and the latter without amendment, in which amendment of the House to the first named bill of the Senate, the concurrence of the Senate is requested.

They have also passed engrossed bills of the House entitled as follows:

No. 373—An act to authorize James Alexander, former collector of Monroe county, yet to collect any taxes yet remaining due and unpaid in said county, for the year or years for which said Alexander was collector;

No. 336—An act relating to state roads;

No. 374—An act to change the mode of doing county business in Johnson county;

No. 376—An act to incorporate the farmers and mechanics' savings institution of Floyd county, the Columbus savings institution, and the Pendleton and Huntsville savings institution;

In which engrossed bills of the House, the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the Senate entitled as follows, viz:

An act for the relief of Seth Cushman, former collector for Sullivan county;

An act to incorporate the Eel river manufacturing company;

An act to organize the county of Wells;

An act to incorporate the Wabash and Lafayette bridge company;

An act to authorize the change in the location of certain roads therein named;

An act to provide for the construction of a lock in the pool dam near Delphi; and

An act to establish and relocate certain state roads therein named, and for other purposes;

And also enrolled bills of the House of Representatives entitled as follows, viz:

No. 13—An act to incorporate the town of Knightstown;

No. 60—An act to change the mode of doing county business in the county of Gibson;

No. 120—An act to encourage the apprehension of horse thieves, and other fugitives from justice, in the county of Washington;

No. 149—An act to incorporate the town of Bloomfield;

No. 150—An act to provide for the improvement of the Michigan road north of Indianapolis, and for other purposes;

No. 192—An act to extend the jurisdiction and powers of the president and trustees of the town of Vernon, county of Jennings;

No. 195—An act authorizing Paul McCoon, William Avery, and E. F. McCall to build a dam across the Wabash river;

No. 198—An act to incorporate the Porter county Seminary;

No. 200—An act to provide for opening and repairing public roads and highways in the county of Clay;

No. 202—An act to authorize Samuel Coleman of Fountain county to sell certain town lots in the town of Attica, and also to make certain conveyances of lots now sold.

No. 217—An act permanently fixing the line between the counties of Jefferson and Clark;

No. 219—An act to amend an act entitled an act to regulate the mode of doing county business, approved February 7, 1835, and

No. 222—An act to incorporate the Clay county seminary;

I am directed to bring them to the Senate for the signature of the President thereof.

Bill No. 373, in the message mentioned, entitled an act to authorize James Alexander, former collector of Monroe county, yet to collect any taxes yet remaining due and unpaid in said county, for the year or years for which said Alexander was collector, which was read a first time, and

On motion of Mr. Dunning, the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of the same gentleman, the rules of the Senate were further dispensed with, the bill read a third time and passed.

Bill No. 376, entitled an act to incorporate the farmers and mechanics' savings institution of Floyd county, the Columbus savings institution, and the Pendleton and Huntsville savings institution, was read a first time, and

On motion of Mr. Bell, the rules of the Senate were dispensed with, and the bill read second time, and

On motion of Mr. Collins, was referred to the committee on the judiciary.

On leave granted, Mr. Kennedy offered the following resolution:

*Resolved*, That the Senate will meet at half past six o'clock, on each evening during the remaining days of the session (Sunday excepted.)

On motion of Mr. Clark, the resolution was laid on the table.

Bill No. 375, entitled an act to change the mode of doing county business in the county of Johnson, was read a first time, and

On motion of Mr. Thompson of J., the rules of the Senate were dispensed with, and the bill read a second time, and

On motion of Mr. Dunning, was amended so as to make it take effect from and after the 1st Monday in August next, and

On motion of same gentleman, the rules of the Senate were dispensed with, the amendments considered as engrossed, and with the bill read a third time and passed.

On leave granted, Mr. Liston made the following report from a select committee:

Mr. PRESIDENT—

The select committee to which was referred a bill to regulate the disbursement of the three per cent fund in the unorganized counties, have had the same under consideration, and have directed me to report the same back to the Senate without amendment and ask to be discharged from the further consideration of the same.



The bill was read a first time, and

On motion of Mr. Liston, the rules of the Senate were dispensed with, the bill was read a second time, and

On motion of the same gentleman, the rules of the Senate were further dispensed with, and the bill read a third time and passed.

On leave granted, Mr. Trask introduced a bill supplemental to an act entitled an act regulating the fees and salaries of officers and persons therein named, which was read a first time, and

On motion of Mr. Hillis, the rules of the Senate were dispensed with, and the bill read a second time, when,

Mr. Kennedy moved to indefinitely postpone said bill;

Which motion was decided in the affirmative.

On motion,

The Senate adjourned.

FRIDAY, FEBRUARY 3, 1837.

The Senate assembled.

Mr. Puett moved to reconsider the vote taken on the engrossment of the bill entitled an act supplemental to an act entitled an act to provide for a general system of internal improvement; which was,

On motion of Mr. Milroy, laid on the table.

Mr. Vawter from the joint committee on enrolled bills made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives of the following titles, to-wit:

No. 318—An act to incorporate the town of Cleveland in Tippecanoe county;

No. 306—An act attaching the county of Newton to the county of Porter for judicial purposes;

No. 240—An act authorizing the guardian of the heirs of Edward Elliott, jun., deceased, to sell real estate therein named; and

No. 249—An act authorizing William M'Ilvain to build a mill dam across White river,

And find the same truly enrolled.

Mr. Vawter made the following report:

Mr. PRESIDENT—

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives of the following titles, viz:

No. 212—An act to amend the several acts regulating the mode of doing business in the county of Martin;

No. 41—An act to authorize the assessment of revenue in the county of Martin;

No. 254—An act to authorize the road commissioner of Fulton county to loan the three per cent. fund of said county; and

No. 255—An act to locate a state road in the county of Bartholomew, from Hope via Joseph Cox's and Burnnel's to Columbus;

And find the same truly enrolled.

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives, of the following titles, to-wit:

No. 29—An act to incorporate the Madison hotel company;

No. 242—An act to increase the capital stock of the Lawrenceburgh bridge company;

No. 24—An act to incorporate the Eel river and Michigan road company;

And find the same truly enrolled.

Mr. Vawter from the committee on enrolled bills made the following report:

Mr. PRESIDENT—

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives of the following titles, to-wit:

No. 270—An act to amend an act to incorporate the Wayne and Union turnpike road company, and to incorporate the Richmond and Muncietown turnpike road company; and

No. 271—An act authorizing the re-location of a certain state road in Hancock county;

And find the same truly enrolled.

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor, for his approval and signature enrolled bills of the following titles, to-wit:

No. 30—An act supplemental to an act entitled an act to provide a general system of internal improvement, approved Jan. 27, 1836.

No. 345—An act authorizing the Vermillion circuit court to change the venue in a certain case therein named;

No. 137—An act to incorporate the White river bridge company;

No. 161—An act to legalize the deed of donation made by Peter C. Vanslyke to the town of Bloomfield, and for other purposes;

No. 247—An act to vacate a part of two state roads in the county of Parke;

No. 294—An act to legalize the appointment of assessor for the county of Vigo, and to authorize the board doing county business of said county to hold a special session to receive the assessment roll, and to appoint a collector to collect the revenue for said county for the year 1836;

No. 243—An act authorizing the county board of Dearborn county to levy tax for building bridges and improving roads in said county;

No. 370—An act appropriating a part of the three per cent. fund in Bartholomew county;

No. 275—An act repealing a part of an act to provide for the removal of the obstructions of Eel river, approved Jan. 4, 1830;

No. 310—An act to locate a certain state road therein named.

No. 250—An act to change the road commissioner on the state road from Jehu Perkins' in Rush county, to Napoleon in Ripley county;

No. 353—An act to amend an act entitled an act regulating the fees and salaries of the several officers and persons therein named, approved February 7, 1831;

No. 261—An act to locate a state road from Portland, on the National road, to the Michigan road in Shelby county;

No. 283—An act to locate a state road from Russelville in Clinton county, to Americus in Tippecanoe county;

No. 267—An act to authorize the mutual transfer of certain school funds between the townships of Eel and Noble, in Cass county;

The following message was received from the Governor, by Mr. Maguire his private secretary:

#### Mr. PRESIDENT—

The Governor has approved and signed acts which originated in the House of Representatives, viz:

An act to provide for the improvement of the Michigan road north of Indianapolis;

An act for the incorporation of the town of Knightstown;

An act to legalize the election of a probate judge in Kosciusko county;

An act to change the name of Jamestown in Henry county to that of New Lisbon;

An act to vacate a part of the Indianapolis, Centreville and Richmond state road;

An act to incorporate the town of Bloomfield;

An act to relocate a part of the state road from Vincennes to Carlisle, in Sullivan county;

An act to amend the act to incorporate the town of Indianapolis;

An act to incorporate the Clay county seminary;

An act to amend an act entitled an act to regulate the mode of doing county business, approved February 7, 1835;

An act authorizing Paul M'Coon, William Avery, and E. F. Call to build a dam across the Wabash river;

An act permanently fixing the line between the counties of Jefferson and Clark;

An act to authorize Samuel Colman, of Fountain county to sell certain town lots in the town of Attica, and also to make conveyances of

lots now sold;

An act to provide for opening and repairing public roads and highways in the county of Clay;

An act to re-locate a part of the New Castle and Lafayette state road in the counties of Clinton and Tippecanoe;

An act to legalize the proceedings of the trustees of the Presbyterian church in Greensburg, in Decatur county;

An act to legalize the proceedings of the trustees of town. 6, range 1 west, in Dearborn county;

An act to legalize the proceedings of the board of trustees of the Salem Presbyterian church;

An act amendatory of an act entitled an act incorporating the Carlisle school district;

An act to repeal an act to relocate part of the state road leading from Martinsville in Morgan county to Danville in Hendricks county;

An act to locate a bridge and re-locate part of a certain state road in the county of Vermillion;

An act to extend the jurisdiction and powers of the president and trustees of the town of Vernon, in Jennings county;

An act to incorporate the New Albany guards;

An act to legalize the proceedings of the board of commissioners of Warrick county at their January term, 1837;

An act to change the mode of doing county business in Gibson county;

An act to amend an act entitled an act to incorporate the town of Terre-Haute, approved February 1, 1833;

An act to encourage the apprehension of horse thieves, and other fugitives from justice, in the county of Washington;

An act to incorporate the Porter county seminary;

An act to repeal so much of the act amendatory of the several acts regulating the jurisdiction and duties of justices of the peace in the several counties therein named, approved February 7, 1835, as relates to the county of Vermillion;

An act to incorporate the Washington Hall Company; and

An act relative to the Mount Vernon and Princeton Turnpike Co;

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed the following enrolled bills of the House of Representatives:

No. 232—An act to provide for the sale of the tools belonging to the Michigan road;

No. 224—An act to revive the corporation of the town of Bowling-green in Clay county;

No. 259—An act to repeal the 20th section of the act to regulate the mode of doing county business, so far as the same relates to the counties of Sullivan and Johnson;

No. 213—An act authorizing the commissioner of the reserve town-

ship of seminary lands in Monroe county to cancel certain contracts therein named;

No. 190—An act declaring certain names misprints;

No. 248—An act to amend an act to incorporate the Ohio and Indianapolis rail road company;

No. 303—An act declaring certain county roads therein named, state roads;

No. 225—An act to change the name of the town of Mongoquenon in Lagrange county, to that of Lima;

No. 125—An act to authorize the board of commissioners of the county of Washington to fund at interest certain monies therein named and for other purposes;

No. 116—An act to regulate the jurisdiction of justices of the peace in the counties of Tippecanoe, Orange and Warren;

No. 321—An act authorizing Richard M. Kirk to raise his mill dam three feet higher;

No. 163—An act to amend an act entitled an act for the regulation of the state prison;

No. 138—An act supplemental to an act to enable the school commissioners of the several counties of this state to correct the returns of the collectors, app. Feb. 1, 1836;

No. 272—An act declaring a certain road therein named, a state road;

No. 266—An act declaring Yellow river a public highway;

No. 297—An act to change the mode of doing county business in the county of Boone;

No. 129—An act to authorize Daniel A. Rawlins to sell certain real estate therein named;

No. 32—An act to amend an act to incorporate the Jeffersonville and New Albany canal company;

No. 299—An act to establish a state road;

No. 305—An act declaring a certain county road in Vermillion co. a state road;

No. 171—An act to incorporate the Washington Hall company;

No. 317—A joint resolution for the benefit of certain French inhabitants in and near Vincennes;

No. 322—A joint resolution on the subject of sundry amendments to the constitution of the United States;

Also, enrolled bill of the Senate, viz:

An act to amend an act entitled an act to incorporate the Perrysville and Danville rail road company.

And I am directed to present them to the Senate for the signature of the President.

The President having signed the enrolled bills in the message mentioned, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the House, by Mr. Elliott their Clerk:

Mr. PRESIDENT—

The Speaker having signed enrolled bills of the House of Representatives, as follows:

No. 247—An act to vacate a part of two state roads in the county of Parke,

No. 261—An act to locate a state road from Portland, on the National road, to the Michigan road in Shelby county,

No. 253—An act to amend an act entitled, an act regulating the fees and salaries of the several officers therein named, approved February 7, 1831.

No. 267—An act to authorize the mutual transfer of certain school funds between the townships of Eel and Noble, in Cass county,

No. 283—An act to locate a state road from Rossville in Clinton county, to Americus in Tippecanoe county,

No. 30—An act supplemental to an act entitled an act to provide for a general system of internal improvements, approved January 27, 1837,

No. 275—An act repealing a part of an act to provide for the removal of obstructions to the navigation of Eel river, approved January 4, 1836.

No. 370—An act to appropriate part of the three per cent fund of Bartholomew county,

No. 310—An act to locate a certain state road therein named.

No. 137—An act to incorporate the White river Bridge Company,

No. 294—An act to legalize the appointment of an assessor for the county of Vigo, and to authorize the Board doing county business of said county to hold a special session to receive the assessment roll, and to appoint a collector to collect the revenue for said county, for the year 1836,

No. 161—An act to legalize the deed of donation made by Peter C. Vanslyke to the town of Bloomfield, and for other purposes,

No. 260—An act relative to the Mount Vernon and Princeton Turnpike road,

No. 243—An act authorizing the county board of Dearborn county, to levy a tax for building bridges and improving roads in said county,

No. 250—An act to change the road commissioner on the state road from Jehu Perkins' in Rush county to Napoleon in Ripley county,

No. 345—An act authorizing the Vermillion circuit court to change the venue in a certain case therein named,

I am directed to present them to the Senate for the signature of the President.

The President having signed the enrolled bills in the message mentioned, they were handed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

The consideration of the message on hand yesterday when the Senate adjourned, was taken up.

The amendment to the bill entitled an act to amend the 34th section of an act relative to crime and punishment, was considered.

The bill No. 336, in the message, was read the first time, and

On motion, the rules of the Senate were dispensed with, and the bill read a second time.

Mr. Smith moved to commit said bill to a committee of the whole House.

Mr. Bell moved to commit the bill to the committee on roads, which was agreed to.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House of Representatives have concurred in the amendment of the Senate to the engrossed bill of the House entitled,

No. 233—An act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to by virtue of an act of Congress, approved 23d June, 1836, with sundry amendments,

In which the concurrence of the Senate is requested.

Mr. Morgan moved to disagree to the second amendment of the House, and on the question,

Will the Senate disagree to said amendment?

*Those who voted in the affirmative are,*

Messrs. Boon, Casey, Clark, Claypool, Cole, Collins, Conwell, Crawford, Daily, Dumont, Dunning, Everts, Ewing, Hamilton, Hillis, Hoagland, Liston, Milroy, Mitchell, Moore, Morgan, Smith, Stewart, Turman, Thompson of P., Thompson of L., Trask and Walker—28.

*And those who voted in the negative are,*

Messrs. Beard, Bell, Bradberry, Brady, Chambers, Dobson, Elliott, Fowler, Hackett, Kennedy, Little, Puett, Sigler, Stafford, Stanford, Thompson of J., and Vawter—17.

So the amendment was disagreed to.

On motion of Mr. Clark, the 7th amendment was concurred in with an amendment, as follows: *Provided, also,* That such contribution to the surplus fund in any existing branch in which the capital may be increased as above, may be required by the Directors of the State Bank in granting such addition of capital, as shall be equal to the rate the present stock bears to its existing surplus fund, in which case, any distribution of the surplus fund of such branch as above provided for, or any assessment against the same, shall equally bear on all the stock in such branch, and among all the stockholders.

On motion of Mr. Daily, the Senate disagreed to the 3d amendment of the House.

On motion of Mr. Smith, the 4th amendment was agreed to, with the following amendment: "And for the purpose of enabling said

Treasurer to employ and pay said clerk hire, he shall be allowed not exceeding five hundred dollars per annum to be paid quarterly, as other claims are paid."

On motion of Mr. Collins, the Senate concurred in the 6th amendment of the House, with an amendment as follows:

"Except as is otherwise provided in this act with regard to the location of said branches, their subscription and payment of stock, organization and appropriation of property, whether on the stock of new branches or increase of capital."

On motion of Mr. Vawter, Messrs. Dumont, Ewing, and Fowler were added to the committee on enrolled bills.

Mr. Trask moved to re-consider the vote on the engrossment of the bill authorizing the board of internal improvement to lease to John Bequett certain surplus water;

Which was agreed to, and the bill considered as engrossed, read the third time and passed.

On motion of Mr. Sigler, the bill for the organization of the 10th judicial circuit and fixing the time of holding courts therein, was taken up, and read a second time, and

On motion of Mr. Dunning, it was amended by striking it out from the enacting clause, and inserting an amendment providing for holding courts;

And the rules were dispensed with, and the bill was read a third time and passed.

Mr. Hillis from the committee of ways and means, made the following report:

Mr. PRESIDENT—

The committee of ways and means, to which was referred a joint resolution providing for the election of a public printer to each House of the General Assembly, and fixing the prices and compensation of said officers, have had the subject under consideration and have directed me to report it back with several amendments, and ask to be discharged from the further consideration thereof.

The amendments were concurred in, and considered as engrossed, the rules were dispensed with, and the bill read a third time and passed.

A message was received from the House of Representatives by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills thereof entitled,

No. 286—An act to amend an act to provide for an equitable mode of levying the taxes of this state, approved Feb. 8, 1836; and



**No. 383—An act to incorporate the Michigan City and St. Joseph rail road company;**

In which the concurrence of the Senate is requested.

The House has also passed an engrossed bill of the Senate entitled, An act to locate a state road from Andersontown in the county of Madison, to Knightstown in Henry county, without amendment.

The House has concurred in the report of the committee of free conference appointed to settle the disagreement of the two Houses, on the engrossed bill of the House,

**No. 83—An act to incorporate the Mount Carmel and New Albany rail road company.**

The bill in the message, No. 286, was read a first time.

Mr. Smith moved that the bill be rejected; and

On the question shall the bill be rejected?

*Those who voted in the affirmative are,*

**Messrs. Daily, Dumont, Fowler, Hoagland, Morgan, Puett, Smith, Thompson of P., Trask and Walker—10.**

*And those who voted in the negative are,*

**Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Dobson, Dunning, Elliott, Everts, Ewing, Hackett, Hamilton, Hillis, Kennedy, Liston, Little, Milroy, Mitchell, Moore, Sigler, Stafford, Stanford, Stewart, Turman, Thompson of L., Thompson of J. and Vawter—36.**

So the bill was not rejected.

Mr. Brady moved to suspend the rules and read the bill a second time, and

On the question, shall the rules be suspended?

*Those who voted in the affirmative are,*

**Messrs. Beard, Bell, Bradberry, Brady, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Dobson, Dunning, Elliott, Everts, Ewing, Hackett, Hamilton, Hillis, Kennedy, Liston, Little, Milroy, Mitchell, Moore, Sigler, Stafford, Stanford, Turman, Thompson of L., Thompson of J., and Vawter—33.**

*And those who voted in the negative are,*

**Messrs. Boon, Casey, Daily, Dumont, Fowler, Hoagland, Morgan, Puett, Smith, Stewart, Thompson of P., Trask and Walker—13.**

So the bill was read a second time.

Mr. Milroy moved to refer the bill to a committee of the whole Senate, and make it the special order of the day for this afternoon;

Which was agreed to.

The bill No. 383, in the message, was read a first time, and

On motion of Mr. Liston, the rules were dispensed with, the bill was read a second time and referred to a select committee.

*Ordered*, That Messrs. Liston, Everts and Crawford be said committee.

The following message was received from the House of Representatives:

Mr. PRESIDENT--

I am directed by the House of Representatives to inform the Senate that they have concurred in the amendments of the Senate to the engrossed bills of the House, to-wit:

Bill No. 50, entitled an act to incorporate the Hartford steam mill and manufacturing company;

Bill No. 303, entitled an act declaring certain county roads therein named state roads;

Bill No. 259, entitled an act to repeal the 20th section of the act to regulate the mode of doing county business so far as it relates to the county of Sullivan;

Bill No. 186, entitled an act to incorporate the Jeffersonville iron manufacturing company;

Bill No. 172, entitled an act to incorporate a company to build a bridge over White river at Noblesville; and

No. 322--A joint resolution on the subject of sundry amendments of the constitution of the United States;

No. 273--An act to incorporate the Hendricks county seminary;

No. 301--An act granting to the citizens of Madison a city charter.

No. 69--An act appropriating a portion of the three per cent fund due Hancock county, and for other purposes;

No. 319--an act to establish a state road from Napoleon in Ripley county, to Vernon in the county of Jennings; and

No. 333--An act appropriating a part of the three per cent fund in the several counties therein named, and for other purposes.

The House has also passed engrossed bills of the Senate entitled as follows, viz:

An act to establish certain state roads therein named;

An act to appropriate a part of the three per cent fund for the purposes therein named;

An act to provide for the settlement of the accounts of commissioners of the three per cent fund in the several counties.

An act authorizing the funding of the three per cent fund belonging to Sullivan county;

An act to locate a state road from Shelbyville in Shelby county, to Columbus in Bartholomew county;

The first with and the others without amendment.

In which amendment the concurrence of the Senate is requested.

They have also passed an engrossed bill of the House, entitled

No. 381—An act to repeal an act relative to county orders in the county of Parke, approved Feb. 6, 1836;

In which the concurrence of the Senate is requested.

Mr. Thompson of P. moved to concur in the amendment of the House to the engrossed bill of the Senate, entitled an act to establish certain state roads therein named, with the following amendment:

That William R. Reynolds is hereby appointed to receive the three per cent fund appropriated to Crawford county, by an act of the General Assembly, and in all respects he is to be governed and comply with the provisions of said act as if he had been appointed by the board doing county business in said county;

Which was agreed to.

The bill in the message, No. 381, entitled an act to repeal an act relative to county orders in the county of Parke, app'd. Feb. 6, 1836, was read a first time, and

On motion of Mr. Puett, the rules were dispensed with, the bill was read a second time and referred to a select committee.

Ordered, That Messrs. Puett, Beard and Milroy be said committee.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate, entitled

An act to amend an act entitled an act to provide for an equitable mode of levying the taxes of this state, approved February 8, 1836, with two amendments, to which the concurrence of the Senate is requested.

The amendments to the bill in the message, were concurred in.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives have passed a bill No. 385, of the House entitled a bill to authorize the board of internal improvement to sell certain reserved lands, in which they ask the concurrence of the Senate.

The bill in the message was read a first time; and

On motion of Mr. Colerick the rules of the Senate were dispensed with, and the bill was read a second time; and

On motion of Mr. Kennedy, the rules were further dispensed with, and the bill was read a third time and passed.

The following message was received from the House of Representatives:

**Mr. President—**

The House of Representatives have passed an engrossed bill of the House No. 379—entitled an act to incorporate the mayor and common council of the town of Lafayette, in which the concurrence of the Senate is requested.

The bill in the message was read a first time; and

On motion of Mr. Clark, the rules of the Senate were dispensed with, and the bill was read a second time, and referred to the judiciary committee.

The following message was received from the House of Representatives:

**Mr. President—**

I am instructed by the House to inform the Senate that the House has passed an engrossed bill of the House No. 339, entitled an act to establish a state Library, app. Feb. 10, 1831, to which the concurrence of the Senate is requested.

The bill in the message was read a first time; and

On motion of Mr. Brady, the rules of the Senate were dispensed with, the bill was read a second time, and

On motion of Mr. Kennedy, referred to the committee on the state library.

The following message was received from the House of Representatives:

**Mr. President—**

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the House No. 391, an act to incorporate the New Amsterdam manufacturing company, in which they respectfully ask the concurrence of the Senate.

The bill in the message was read a first time; and

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill was read a second and third time and passed.

The following message was received from the House of Representatives:

**Mr. President—**

The House of Representatives have passed an engrossed bill of the Senate, entitled an act to incorporate the Crawfordsville and Terre Haute turnpike company, with an amendment, to which the concurrence of the Senate is requested.

The bill in the message was read a first time, and

On motion, the rules were dispensed with, and the bill was read the second and third times and passed.

The following message was received from the House of Representatives:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the Senate entitled an act to change the name of the town of South Bend to that of Otulga, with an amendment, in which the concurrence of the Senate is requested.

On motion, the message was laid on the table.

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate entitled as follows, viz:

An act amendatory of the several acts regulating writs of foreign and domestic attachment;

An act to incorporate the Indianapolis and Michigan rail road company;

An act to provide for a state road therein named;

An act to ratify and confirm an act of the Ohio legislature incorporating a company to construct a rail road from Piqua, in the state of Ohio, to Fort Wayne in the state of Indiana;

An act to re-locate a part of the state road from Noblesville to Andersonstown;

An act to locate a state road therein named;

An act to locate a state road from Hathaway's mill in Pike county, to intersect the state road leading from Petersburg in Pike county to Washington in Daviess county;

An act to authorize Andrew Waymire to build a mill dam at Barren island in the Wabash river;

An act to locate a state road from Blair's mill to Kraco; and

An act to authorize certain persons therein named to erect a dam across the east fork of White river, in Lawrence county;

The last one with, and the others without amendment.

The House of Representatives has also passed engrossed bills of the House of Representatives, entitled as follows, viz:

No. 257—An act to incorporate the town of Greenfield in Hancock county;

No. 278—An act to incorporate the Vincennes and Terre Haute turnpike company,

No. 313—An act to incorporate the Hudson and New Buffalo rail road company;

No. 323—A joint resolution for the removal of the surveyor-general's office from Cincinnati to Indianapolis;

No. 324—An act appropriating a portion of the three per cent fund hereafter coming to Vigo county to the construction of a certain bridge therein named;

No. 329—An act for the relief of the collector of Cass county for the year 1836;

No. 330—An act for the relief of David Wilburn and others;

No. 340—An act to locate a state road from Emanuel Hatfield's in Greene county, to Black Creek bridge in said county;

No. 342—An act declaring a certain county road, and appropriating a part of the 3 per cent fund belonging to the county of Vermilion, to improve the same;

No. 347—An act to amend the act regulating the practice in chancery, app. Feb. 10, 1831;

No. 348—An act to confirm the resurvey of the town of Attica, in Fountain county;

No. 352—An act to amend an act subjecting real and personal estate to execution, app. Feb. 4, 1831;

No. 364—An act supplemental to an act to appropriate the three per cent fund among the several counties in this State, and appropriating two hundred dollars on the State road from Owensville to the mouth of Putoka;

No. 382—An act to provide for a justice of the peace in West Point, Tippecanoe county;

No. 390—An act to locate a state road from Greenfield in Hancock county, to Franklin in Johnson county,

In which the concurrence of the Senate is requested.

The amendment to the bill in the message entitled an act to authorize certain persons therein named to erect a dam across the east fork of White river in Lawrence county, was concurred in.

The bill in the message No. 257, was read a first time; and

On motion of Mr. Stanford, the rules were dispensed with, and the bill was read a second time, and referred to the committee on corporations.

The bill in the message No. 278 was read a first time; and

On motion of Mr. Boone, the rules of the Senate were dispensed with, and the bill was read a second time, and referred to the committee on corporations.

The bill in the message No. 313, was read the first time, and

On motion of Mr. Colerick, the rules of the Senate were dispensed with, and the bill was read a second time and referred to the committee on corporations.

The bill in the message No. 323 was read the first time; and

On motion of Mr. Boone, the rules of the Senate were dispensed with, and the bill was read a second time, and laid on the table.

The bill in the message No. 324 was read the first time, and

On motion of Mr. Boone, the rules of the Senate were dispensed with, and the bill was read the second and third times and passed.

The bill in the message No. 330 was read a first time, and

On motion of Mr. Stewart, the rules of the Senate were dispensed with, and the bill was read the second and third times and passed.

The bill in the message No. 340 was read the first time, and

On motion of Dobson, the rules of the Senate were dispensed with

and the bill was read the second and third times and passed.

The bill in the message No. 342 was read a first time, and

On motion of Mr. Boone, the rules of the Senate were dispensed with, and the bill was read a second and third times and passed.

The bill No. 347 in the message was read the first time, and

On motion of Mr. Collins, the rules were dispensed with, and the bill was read the second and third times, and passed.

On motion,

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Trask made the following report, which was laid on the table:

Mr. PRESIDENT—

The committee to whom was referred the resolution with instructions to inquire into the condition of the State Bank, and the relation existing between that institution and the Secretary of the Treasury of the United States, &c. &c., with power to send for persons and papers, have had the same under consideration, and I, (as one of that committee) ask leave to make the following report:

Agreeably to the powers vested in your committee, several individuals were called before them and examined, touching the subject under consideration. From the testimony, we *must* have come to the conclusion, that the bank is doing a very fair business, sufficiently extensive and lucrative to meet the most sanguine expectations of its friends without transcending its chartered powers. As it relates to the correspondence between the United States Treasurer and the Bank, your committee were unable to discover any other, than that necessarily existing between the Treasury Department and deposit banks. Being convinced that nothing has been discovered by your committee showing corruption on the part of the United States Treasurer, the Bank or its officers, or individuals, (so far as connected with the subject committed;) therefore, I would ask to be discharged from any further consideration of the subject.

Mr. Dunning made the following report:

Mr. PRESIDENT—

The committee on corporations to which was referred a bill of the House No. 328, entitled an act to incorporate the Eel river bridge company, have had the same under consideration and have made one amendment thereto, in which the concurrence of the Senate is requested, and ask to be discharged from the further consideration thereof.

The amendment was concurred in, and on motion of Mr. Dunning, considered as engrossed, the bill read a third time and passed.

**Mr. Dunning made the following report:**

**Mr. PRESIDENT—**

The committee on corporations to which was referred an engrossed bill of the House No. 62, entitled, an act to incorporate certain turnpike companies therein named, have had the same under consideration, and have directed me to report the same back to the Senate with one amendment, and ask to be discharged from any further consideration thereof.

The amendment was concurred in, and on motion of Mr. Dunning, considered as engrossed, the bill read a third time and passed.

**Mr. Everts made the following report:**

**Mr. PRESIDENT—**

The committee to whom was referred the bill to incorporate the Michigan City and St. Joseph rail road company, have had the same under consideration, and have directed me to report it back without amendment.

On motion of Mr. Everts, the rules of the Senate were dispensed with, the bill read a third time and passed.

**Mr. Boon made the following report.**

**Mr. PRESIDENT—**

The committee on corporations to whom was referred the bill of the House of Representatives, No. 181, entitled an act to incorporate the Vincennes and Terre-Haute turnpike company, have instructed me to report it back without amendment.

The bill in the report mentioned, was read a third time and passed.

Mr. Morgan from a committee to whom was referred a bill to authorize the survey of a road from Rushville to Cambridge, reported the bill back without amendment, and recommended that it be laid on the table.

The report was concurred in.

**Mr. Vawter made the following report:**

**Mr. PRESIDENT—**

The select committee to which was referred the petition of Samuel Weir and others, praying an appropriation of money on the Madison, Paris, and Brownstown state road, have had the same under consideration, and report that the prayer of the petitioners is fully provided for in the bill of the Senate providing for and appropriating the three per cent fund in certain counties therein named.

**Mr. Vawter made the following report:**



Mr. President—

The select committee appointed upon the part of the Senate to act with a similar committee upon the part of the House of Representatives, to examine the office of the late secretary of state, William Sheets, have directed me to report:

That they have completed said examination, and found the various departments under his superintendence, in perfect order and arrangement; and to the entire satisfaction of the committee, as well as highly creditable to the late secretary of state.

They also beg leave to state that the late secretary has been compelled to expend the sum of \$361, over and above appropriations made by law for expenses incidental to his office.

Mr. Crawford made the following report:

Mr. President—

The select committee to whom was referred the petition of numerous citizens of the county of Noble, praying a re-location of the seat of justice of said county, have according to order had that subject under consideration and have directed me to report the following bill:

The bill in the report mentioned, was read a first time, and

On motion of Mr. ———, the rules of the Senate were dispensed with, and the bill read a second and third times and passed.

Mr. Thompson of P. made the following report:

Mr. President—

The committee on corporations to which was referred a bill of the House of Representatives, entitled a bill to incorporate the Bloomfield and White river insurance company, have duly examined it, made several amendments, and have instructed me to report it and ask the concurrence of the Senate.

The amendments were concurred in, and

On motion, considered as engrossed, the bill read a third time and passed.

Mr. Brady made the following report:

Mr. President—

The select committee to whom was referred an engrossed bill of the House, authorizing the sale of certain lots in Indianapolis, and for other purposes, have according to order had the same under consideration and have made sundry amendments thereto:

1st. Strike out all before the word and in the 5th line of the third section;

2d. Strike out the word first in the 2d line of the 4th section, and insert the word fourth;

3d. Amend by striking out the word ten in the 1st line of the 8th section, and insert five;

4th. Amend by striking out the whole of the 9th and 10th sections; to which amendments they ask the concurrence of the Senate.

On motion of Mr. Everts, the bill in the report mentioned, was indefinitely postponed.

On motion, the Senate resolved itself into committee of the whole on the bill entitled an act to provide for an equitable mode of levying the taxes of this state, app'd. Feb. 8, 1836.

On motion the committee arose, and Mr. Milroy the chairman reported that the committee had made no amendments to the bill.

Mr. Morgan moved to amend the bill by striking out the ninth section, and

On the question, shall the 9th section be stricken out?

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Brady, Casey, Conwell, Daily, Dobson, Dumont, Dunning, Ewing, Fowler, Hoagland, Milroy, Mitchell, Moore, Morgan, Puett, Smith, Stanford, Stewart, Turman, Thompson of P., and Walker—22.

*Those who voted in the negative are,*

Messrs. Beard, Bradberry, Chambers, Clark, Claypool, Cole, Colerick, Collins, Crawford, Elliott, Everts, Hackett, Hamilton, Hillis, Kennedy, Liston, Little, Sigler, Stafford, Thompson of L., Thompson of J., Trask and Vawter—24.

So the bill was not so amended.

Mr. Milroy moved to amend the bill by striking out that part levying 15 cents tax, and inserting 8, and a division of the question being called for,

And the question being on striking out,

*Those who voted in the affirmative are,*

Messrs. Bell, Bradberry, Casey, Claypool, Cole, Colerick, Conwell, Daily, Dobson, Dumont, Dunning, Everts, Ewing, Hoagland, Kennedy, Mitchell, Moore, Morgan, Puett, Smith, Stanford, Stewart, Thompson of P., and Walker—24.

*Those who voted in the negative are,*

Messrs. Beard, Boon, Brady, Chambers, Clark, Collins, Crawford, Elliott, Fowler, Hackett, Hamilton, Hillis, Liston, Little, Milroy, Sigler, Stafford, Turman Thompson of L., Thompson of J., Trask, and Vawter—22.

So the bill was so amended.

Mr. Ewing moved to fill the blank with ten cents.

Mr. Boon moved to fill it with 18 cents.

Mr. Everts moved to re-consider the vote taken on striking out, and On the question, shall it be re-considered?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Brady, Chambers, Clark, Cole, Collins, Crawford, Elliott, Everts, Fowler, Hackett, Hamilton, Hillis, Liston, Little, Milroy, Moore, Sigler, Stafford, Turman, Thompson of L., Thompson of J., Trask and Vawter—25.

*Those who voted in the negative are,*

Messrs. Bell, Bradberry, Casey, Claypool, Colerick, Conwell, Daily, Dobson, Dumont, Dunning, Ewing, Hoagland, Kennedy, Mitchell, Morgan, Puett, Smith, Stanford, Stewart, Thompson of P., and Walker—21.

So the vote was re-considered.

The previous question being called for, and

And the question being, shall the main question be now put?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Chambers, Clark, Claypool, Cole, Collins, Conwell, Crawford, Elliott, Everts, Hackett, Hamilton, Hillis, Liston, Little, Sigler, Stafford, Stanford, Thompson of L., Thompson of J., Trask and Vawter—25.

*And those who voted in the negative are,*

Messrs. Bell, Casey, Colerick, Daily, Dobson, Dumont, Dunning, Ewing, Fowler, Hoagland, Kennedy, Milroy, Mitchell, Moore, Morgan, Puett, Smith, Stewart, Turman, Thompson of P., and Walker—21.

So it was decided that the main question should be now put.

And on the question, shall the bill pass to a third reading?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Elliott, Everts, Hackett, Hamilton, Hillis, Liston, Little, Milroy, Sigler, Stafford, Stanford, Turman, Thompson of L., Thompson of J., Trask and Vawter—28.

*Those who voted in the negative are,*

Messrs. Bell, Casey, Daily, Dobson, Dumont, Dunning, Ewing, Fowler, Hoagland, Kennedy, Mitchell, Moore, Morgan, Puett, Smith, Stewart, Thompson of P., and Walker—18.

So it was decided in the affirmative.

Mr. Clark moved to dispense with the rule and read the bill a third time, and

On the question, shall the rule be dispensed with?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Dunning, Elliott, Everts, Hackett, Hamilton, Hillis, Kennedy, Liston, Little, Moore, Puett, Sigler, Stafford, Stanford, Turman, Thompson of L., Thompson of J., Trask and Vawter—31.

*And those who voted in the negative are,*

Messrs. Bell, Casey, Daily, Dobson, Dumont, Ewing, Fowler, Hoagland, Milroy, Mitchell, Morgan, Smith, Stewart, Thompson of P., and Walker—15.

And so the rule was dispensed with, and the bill read 3d time, and  
On the question, shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Boon, Bradberry, Brady, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Dunning, Elliott, Everts, Hackett, Hamilton, Hillis, Liston, Little, Sigler, Stafford, Stanford, Turman, Thompson of L., Thompson of J., Trask, and Vawter—23

*And those who voted in the negative are,*

Messrs. Bell, Casey, Daily, Dobson, Dumont, Ewing, Fowler, Hoagland, Kennedy, Milroy, Mitchell, Moore, Morgan, Puett, Smith, Stewart, Thompson of P., and Walker—13.

So said bill passed.

Mr. Morgan moved to take a bill from the table, providing for the survey of a rail road from Rushville to Cambridge city;

Which was not agreed to.

Mr. Brady moved to take from the table, the bill raising the per cent on the state bonds to 6 per cent, and

On the question, shall it be taken from the table?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Bradberry, Brady, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Dunning, Elliott, Everts, Ewing, Hackett, Hamilton, Hillis, Kennedy, Liston, Little, Sigler, Stafford, Thompson of L., Thompson of J., Trask and Vawter—27.

*And those who voted in the negative are,*

Messrs. Boon, Casey, Daily, Dobson, Dumont, Fowler, Hoagland, Milroy, Mitchell, Morgan, Puett, Smith, Stewart, Turman, Thompson of P., and Walker—16.

So the bill was taken from the table.

Mr. Morgan moved to re-consider the vote taken on the amendment of the committee proposing to borrow money for the state stock of the 11th and 12th branches of the state bank;

Which was agreed to.

And on the question, shall the amendment be adopted with an amendment, which was by adding the following:

*Provided*, That the fund commissioners shall not make a loan for the establishment of the 12th branch bank in case the bank should accept and receive the surplus revenue set apart for bank purposes.

Mr. Morgan moved further to amend the bill by striking out all that part allowing to the fund commissioners back pay;

Which was agreed to.

On motion, the amendments were considered as engrossed, the bill read a third time, and

On the question, shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Brady, Chambers, Clark, Claypool, Cole, Colerick, Collins, Conwell, Crawford, Elliott, Everts, Ewing, Hackett, Hamilton, Hillis, Kennedy, Liston, Little, Mitchell, Morgan, Sigler, Stafford, Stanford, Thompson of L., Thompson of J., Trask and Vawter—29.

*And those who voted in the negative are,*

Messrs. Bell, Boon, Casey, Crawford, Daily, Dobson, Dumont, Dunning, Fowler, Hoagland, Puett, Smith, Stewart, Turman, Thompson of P., and Walker—15.

So the bill passed.

On leave granted, Mr. Boon introduced a bill to change the time of holding probate courts in the county of Vigo;

Which was read a first time, and

On motion, the rules were dispensed with, and the bill was read the second and third times and passed.

On motion of Mr. Colerick, the bill to change the venue in certain cases therein named, was taken up, and the rules being dispensed with, read a third time and passed.

Mr. Dunning made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred a bill of the House, No. 376, entitled an act to incorporate the farmers' and mechanics' savings institution of Floyd county, the Columbus savings institution and the Pendleton and Huntsville savings institution, have had the same under consideration, and have examined its provisions carefully, and find nothing therein inconsistent with the public interest, and have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

On motion of Mr. Dunning, the rules were dispensed with, and the bills in the report mentioned were read the third time and passed,

Mr. Everts made the following report:

Mr. PRESIDENT—

The standing committee on the canal fund having made all examinations deemed necessary in the discharge of their duty, have directed me to make the following report:

Mr. PRESIDENT—

The joint committee on the canal fund to which was referred the financial reports of the Canal Fund Commissioners and of the Board of Internal improvement, have had the same under their consideration, and now make the following report to the Senate:

The committee have examined all the vouchers of the several members of the board of internal improvement; have carefully compared them with their respective abstracts and accounts current, and find the same to correspond, and the reports of said board to the legislature to be accurate and correct. They have also examined the vouchers and accounts of the commissioners of the canal fund, and find them to be in accordance with the reports of said fund commissioners.

The committee further report that they have examined the books and all the documents in the office of the commissioners of canal fund, and have compared them with the reports made to the General Assembly, and that the statements of the Wabash and Erie Canal Fund, and the amount of receipts and disbursements, and also the settlement of the accounts of the board of internal improvement, the state of this fund, and the receipts and disbursements made on its account, are found to agree and correspond with books, vouchers, and other documents examined by the committee.

The committee unite in recommending to the Legislature a fixed and suitable salary to the fund commissioners, sufficient to ensure the engagement of efficient and skilful men to conduct the affairs of the office. And also pay sufficient to employ a suitable clerk for said Board.

On motion the report was laid on the table.

Mr. Dunning made the following report:

MR. PRESIDENT—

The committee on corporations to which was referred a bill of the House No. 320, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

On motion of Mr. Dunning the rules were dispensed with, and the bill in the report was read the third time and passed.

Mr. Dunning made the following report:

MR. PRESIDENT—

The committee on the judiciary to which was referred a bill of the House, No. 19, to incorporate the Lawrenceburgh savings institution, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and ask to be discharged from any further consideration thereof.

On motion, the rules were dispensed with, and the bill in the report mentioned was read the third time and passed.

Mr. Brady offered the following resolution:

*Resolved*, That when the Senate adjourn it will adjourn to meet at half past 6 o'clock, this evening.

Mr. Beard moved to amend the resolution by striking out "6 o'clock this evening," and inserting "8 o'clock to-morrow morning;"

Which was agreed to and the resolution was then adopted.

Mr. Dunning made the following report:

MR. PRESIDENT—

The select committee to which was referred sundry petitions of the citizens of Monroe and Boon counties asking specific appropriations of the three per cent. fund on certain roads, bridges, and water courses, have had the same under consideration, and have directed me to report that inasmuch as the wishes of the petitioners have all been complied with by the provisions of an act making specific appropriations of said fund in certain counties therein named, that further legislation upon those subjects is inexpedient, and ask to be discharged from any further consideration thereof.

*Ordered*, That the committee be discharged.

Mr. Stewart made the following report:

MR. PRESIDENT—

The standing committee on corporations to whom was referred the resolution of the Senate directing them to inquire into the expediency of authorizing the state to subscribe for one third of the stock on the Evansville and Vincennes rail road, have according to order had the same under consideration, and directed me to report the following bill:

The bill was read a first time and passed to a second reading.

On leave granted, Mr. Trask introduced a bill to change the mode of doing county business in the county of Huntington; which was read a first time, and

On motion of Mr. Trask, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Mr. Vawter from the committee on enrolled bills made the following report:

Mr. PRESIDENT—

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives of the following titles, to-wit:

No. 56—An act to incorporate the Lawrenceburgh and Tanners creek bridge company;

No. 184—An act to extend the Erie and Michigan canal;

No. 268—An act to vacate a part of a certain state road, and to re-locate a part of another state road in the county of Vermillion;

No. 333—An act appropriating a part of the three per cent fund in the several counties therein named, and for other purposes.

No. 288—An act authorizing the school commissioners to draw from the state treasury certain moneys therein named;

No. 290—An act for the establishment of titles to lots in the town of Merom, Sullivan county;

No. 262—An act to drain the swamps and low lands north of Indianapolis;

No. 69—An act appropriating a portion of the three per cent fund due Hancock county, and for other purposes;

No. 292—An act amendatory of an act to amend the charters and define the powers and duties of the president and trustees of the town of Evansville, approved February 8, 1836;

No. 375—An act to change the mode of doing county business in Johnson county;

And find the same truly enrolled.

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor, for his approval and signature bills of the following titles, that originated in the House of Representatives, to-wit:

No. 315—An act distributing the three per cent. fund belonging to Parke county;

No. 282—An act relative to the Tippecanoe battle ground:

No. 255—An act to locate a part of the Richmond and Fort Wayne state road;

No. 42—An act to legalize the proceedings of the probate court of Dearborn county;

No. 271—An act authorizing the re-location of a certain state road in Hancock county;

No. 270—An act to amend an act to incorporate the Wayne and



Union turnpike road company, and to incorporate the Richmond and Muncietown turnpike road company; and

No. 256—An act to locate a state road in the county of Bartholomew, from Hope via Joseph Coss' and Thos. Burnnells, to Columbus;

No. 254—An act to authorize the road commissioner of Fulton county to loan the three per cent. fund of said county;

No. 242—An act to increase the capital stock of the Lawrenceburgh bridge company;

No. 212—An act to amend the several acts regulating the mode of doing business in the county of Martin;

No. 41—An act legalizing the assessment of the revenue in the county of Martin;

No. 29—An act to incorporate the Madison and Lawrenceburgh hotel companies;

No. 24—An act to incorporate the Eel river and Michigan road company;

Mr. Vawter from the joint committee on enrolled bills report that they have compared the following enrolled with the engrossed bill of the following title, to-wit:

No. 154—An act to alter the boundary lines of the counties of Carroll and White;

And find the same truly enrolled.

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate of the following titles, to-wit:

An act to incorporate the Mount Vernon Insurance Company;

An act to appropriate the three per cent. fund in certain counties therein named;

With the engrossed, and find the same truly enrolled.

The following message was received from the House, by Mr. Elliott their Clerk:

Mr. PRESIDENT—

The House of Representatives has concurred in the amendments of the Senate to the engrossed bills of the House of Representatives entitled as follows, to-wit:

No. 184—An act to extend the Erie and Michigan canal;

No. 148—An act to incorporate the Indianapolis master carpenters' and joiners' associate;

No. 304—An act to incorporate the Evansville trust company;

No. 312—An act to incorporate the Lafayette and Michigan City turnpike company;

No. 249—An act authorizing William M'Ilvain to build a mill dam across White river;

No. 298—An act to incorporate the Brownstown insurance company;

No. 315—An act distributing the three per cent. fund belonging to Parke county;

No. 268—An act to vacate a part of a certain state road in the county of Vermillion;

No. 269—An act to provide for the erection of a bridge over the West Fork of White Water river, at Connersville; and

No. 246—An act to amend an act entitled an act to incorporate Michigan City, approved February 8, 1836.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

I am instructed by the House to inform the Senate that they have passed an engrossed bill of the House, entitled—

No. 392—An act to appropriate the unappropriated balance of the three per cent. fund appropriated to the county of Orange;

In which the concurrence of the Senate is requested.

The bill in the message mentioned was read a first time, and

On motion, the rules of the Senate were dispensed with, the bill read a second and third time and passed; and

On motion,

The Senate adjourned.

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SATURDAY, FEBRUARY 4, 1837.

The Senate assembled.

Mr. Fowler, from the joint committee of enrolled bills reported that they have compared the enrolled with the engrossed bill which originated in the Senate of the title following:

An act to incorporate the town of Greensburgh, Decatur county, Indiana, and find the same truly enrolled.

Mr. Vawter from the joint committee on enrolled bills made the following report:

The joint committee on enrolled bills report that they have compared enrolled bills of the Senate of the following titles, to-wit:

An act to relocate part of the state road leading from Noblesville in the county of Hamilton, to Andersontown in Madison county:

An act to locate a state road from Aaron Finch's farm in White county via Spring creek ford, to Delphi in Carroll county;

An act to locate a state road in Laporte county;

An act amendatory of the several acts regulating writs of foreign and domestic attachment;

An act to establish a state road therein named;

A joint resolution on the subject of the surplus revenue;

An act to locate a state road from Hathaway's mill in Pike county, to intersect the state road leading from Petersburg in Pike county to Washington in Daviess county;

- An act to locate a state road therein named;
- An act to locate a state road from Blair's mill to Kraco;
- An act to incorporate the Indianapolis Female Institute;
- An act to authorize Andrew Waymire to build a dam on Barrow's island on the Wabash river;
- An act to locate a state road in Laporte county;
- An act to amend an act to incorporate the Logansport and Eel river bridge company, app. Feb. 5th, 1836;
- An act to appropriate a part of the 3 per cent fund for the purposes therein named;

A joint preamble and resolution in relation to pre-emptions, and pre-emption floats, with the engrossed bills and find the same truly enrolled.

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives of the following titles, viz:

Bill 342 entitled an act declaring a certain county road a state road, and appropriating a part of the three per cent fund belonging to the county of Vermillion, to improve the same;

Bill 336, for the relief of Daniel Miller and others,

And find the same truly enrolled.

The joint committee on enrolled bills believing an imposition has been practised on the two Houses of the General Assembly, relative to the passage of bill No. 342, recommend the presiding officers of the two Houses to withhold their signatures from the same until the action of the proper House be had thereon.

Mr. Dunning offered the following resolution which was adopted:

*Resolved,* That the committee on enrolled bills be required to furnish the Senate with the titles of all bills which have passed the Senate containing appropriations of the money of the state for purposes of internal improvements together with the amount of money contained in each bill at as early a period as convenient after the discovery thereof.

Mr. Dumont made the following report:

Mr. PRESIDENT—

The committee of enrolled bills report that they have compared the enrolled with the engrossed bill, incorporating congressional townships and providing for public schools therein;

And find the same truly enrolled.

Mr. Puett moved to re-consider the vote on the passage of a bill to locate a state road in the county of Greene,

Which was agreed to.

Mr. Puett then moved to amend the bill by striking out the fourth section;

Which was agreed to.

On motion, the rules were dispensed with, the bill was read the third time and passed.

**Mr. Puett made the following report:**

**MR. PRESIDENT—**

The select committee to whom was referred a bill No. 381, an act to repeal an act relative to county orders in the county of Parke, app. Feb. 6, 1836, have had the subject under consideration, and have directed me to report the same to the Senate with one amendment, and ask their concurrence therein.

The amendment was concurred in; and

On motion, the rules of the Senate were dispensed with, and the bill read a third time and passed.

The following message was received from the House of Representatives:

**MR. PRESIDENT--**

The House of Representatives has concurred in the amendments of the Senate to the 4th and 6th amendments of the House to the amendments of the Senate to the bill of the House

No. 233—An act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to by virtue of an act of Congress, app. June 23, 1836,

And have concurred in the amendment of the Senate to the 7th amendment of the House to the amendment of the Senate to said bill, with an amendment; and the House of Representatives insist on their 2d, 3d, and 8th amendments to the amendment of the Senate to said bill.

On motion of Mr. Thompson of P, the surplus revenue bill was taken up, and

On the question, shall the Senate recede from the 2d amendment of the Senate to said bill?

*Those who voted in the affirmative are,*

Messrs. Bradberry, Chambers, Claypool, Elliott, Fowler, Hackett, Kennedy, Stafford, Stanford, Thompson of J. and Vawter--12.

*And those who voted in the negative are,*

Messrs. Beard, Bell, Boon, Brady, Casey, Clark, Cole, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Dunning, Everts, Ewing, Hamilton, Hillis, Hongland, Liston, Little, Milroy, Mitchell, Moore, Morgan, Puett, Smith, Stewart, Turman, Thompson of P., Thompson of L., Trask and Walker--33.

So the Senate did not recede from their agreement to said amendment.

On motion of Mr. Thompson of P., the Senate insisted on their

disagreement to said amendment, and that a committee of free conference be appointed on the part of the Senate to confer with a similar committee on the part of the House on the subject of said amendment.

*Ordered*, That Messrs Thompson of P. and Clark be said committee.

Mr. Brady moved that the Senate insist on their disagreement to the 3d amendment of the House; which was agreed to, and Messrs. Brady and Morgan were appointed a committee of free conference upon said amendment.

On motion of Mr. Claypool, the Senate insisted on the 5th amendment.

On motion of Mr. Morgan, the vote appointing the 2d committee of free conference on the 3d amendment, was reconsidered, and all the matters of difference were referred to the committee appointed on the 2d amendment.

On motion, the Senate insisted generally upon their disagreement in the appointment of agents.

Mr. Everts made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill No. 313, from the House of Representatives entitled, an act to incorporate the Hudson and New Buffalo rail road company, have considered said bill, and they have instructed me to report it to the Senate without amendment.

On motion, the rules were dispensed with and the bill in the message was read the third time and passed.

Mr. Hillis made the following report:

Mr. PRESIDENT—

The committee of ways and means to which was referred the bill making general appropriations for the year 1836, have had the same under consideration, and have directed me to report the same back without amendment, and ask to be discharged from the further consideration thereof.

On motion, the rules were dispensed with, and the bill was read the third time and passed.

Mr. Claypool presented the petition of Thomas J. Sample and others, and Peter Miles and others, praying that the locks on the White-water canal may be so constructed as to admit the passage of flatbottomed, or river boats;

Which was, on motion, laid on the table.

Mr. Collins made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the bill of the Se.

nate No. 25, entitled a bill in addition to the laws regulating the granting of divorce and alimony, have considered the same and directed me to report it back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee was discharged, and on motion, the rules were dispensed with and the bill was read the third time and passed.

Mr. Collins made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the engrossed bill of the House of Representatives No. 337, entitled a bill to incorporate the town of Bethlehem in Clark county, have had the same under consideration, and have directed me to report it back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee was discharged, and

On motion, the rules were dispensed with, the bill in the report was read the third time and passed.

Mr. Collins made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred the engrossed bill of the House of Representatives No. 252, entitled a bill to amend an act entitled an act to vacate the town of Northampton in Harrison county, and Lebanon in Jackson county, approved, February 7th, 1835, have, after consideration thereon, directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee was discharged, and on motion, the rules were dispensed with, and the bill was read a third time and passed.

Mr. Collins made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred the bill of the Senate entitled a bill to encourage the apprehension of Horse thieves and other fugitives from justice, in the several counties in this state, have had the same under consideration, and have directed me to report it back to the Senate, and recommend that it be indefinitely postponed.

The report was concurred in.

Mr. Collins made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives No. 311, entitled a bill to amend an act entitled an act relative to crime and punishment, approved February

10th, 1831, have, after considering the same, instructed me to report the same back again to the Senate and recommend its indefinite postponement.

The report was concurred in.

Mr. Collins made the following report:

**Mr. President—**

The judiciary committee to which was referred the engrossed bill of the House of Representatives, No. 379, entitled an act to incorporate the mayor and common council of the town of Lafayette, have had the same under consideration—have examined the provisions thereof, and have instructed me to report the same back to the Senate, without amendment, and ask to be discharged from the further consideration thereof.

The committee was discharged, and on motion, the rules of the Senate were dispensed with, the bill was read the 3d time and passed.

Mr. Collins made the following report:

**Mr. President—**

The committee on the judiciary to which was referred a resolution of the Senate, directing them to inquire into the legality of the charges made by, and allowed to the canal fund commissioners; and further to inquire what, if any, changes are necessary in the laws now in force on that subject, have had the same under consideration, and have instructed me to report, that after examining the laws relating to the subject matter, they are of opinion, that the charges made by and allowed the canal fund commissioners, were fully authorized by the law, and that the said fund commissioners have committed no impropriety in making such charges, nor has there been any thing done in the premises, so far as your committee have been able to learn, to which they can take any exception. Yet, as there is some uncertainty in the pay said commissioners are authorized to receive, owing to the irregular periods at which their services are required, by the different acts imposing duties upon them, your committee have instructed me to report the following bill, and ask to be discharged from the further consideration of the subject.

The bill in the report was read the first time, and, on motion, the rules of the Senate were dispensed with, and the bill was read a second time.

Mr. Kennedy moved to lay it on the table,

Which was not agreed to.

On motion of Mr. Clark, the bill was so amended as that all laws and parts of laws coming within the purview of this act, be, and the same is hereby repealed.

Mr. Kennedy moved to indefinitely postpone the bill,

Which was not agreed to.

Mr. Morgan moved to fill the blank with three dollars.

Mr. Everts moved to fill the blank with four dollars.

And on the question, shall the blank be filled with four dollars?

*Those who voted in the affirmative are,*

Messrs. Cole, Everts, Liston, and Trask—4.

*Those who voted in the negative are,*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Clark, Claypool, Colerick, Collins, Conwell, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Ewing, Fowler, Hackett, Hamilton, Hillis, Hoagland, Kennedy, Little, Milroy, Mitchell, Moore, Morgan, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., Vawter and Walker—40.

So the blank was not so filled.

The question then being on filling the blank with three dollars.

And on the question shall the blank be so filled?

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Chambers, Clark, Claypool, Cole, Colerick, Collins, Crawford, Dumont, Everts, Hamilton, Hillis, Liston, Thompson of L., Thompson of J., Vawter and Walker—18.

*Those who voted in the negative are,*

Messrs. Bell, Boon, Brady, Casey, Conwell, Daily, Dobson, Dunning, Elliott, Ewing, Fowler, Hackett, Hoagland, Kennedy, Little, Milroy, Mitchell, Moore, Morgan, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., and Trask—27.

So the blank was not so filled.

Mr. Liston moved to indefinitely postpone the bill; and on the question, shall the bill be indefinitely postponed?

*Those who voted in the affirmative, are*

Messrs. Brady, Clark, Claypool, Cole, Colerick, Collins, Everts, Hillis, Liston, Thompson of L., and Trask—11.

*And those who voted in the negative, are*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Ewing, Fowler, Hackett, Hamilton, Hoagland, Kennedy, Little, Milroy, Mitchell, Moore, Morgan, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of J., Vawter and Walker—35.

So the bill was not indefinitely postponed.

Mr. Kennedy moved to fill the blank with two dollars; and on the question, shall the blank be so filled?



*Those who voted in the affirmative, are*

Messrs. Bell, Boon, Brady, Casey, Conwell, Crawford, Daily, Dobson, Dunning, Elliott, Ewing, Fowler, Hackett, Hoagland, Kennedy, Little, Milroy, Mitchell, Moore, Morgan, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of J., Trask and Walker—31.

*And those who voted in the negative, are*

Messrs. Beard, Bradberry, Chambers, Clark, Claypool, Cole, Colerick, Collins, Dumont, Everts, Hamilton, Hillis, Liston, and Vawter—14.

So the blank was so filled.

Mr. Morgan moved to amend the bill by striking out that part allowing the commissioners to employ a clerk at reasonable pay, and to insert a pay not to exceed three dollars per day;

Which was agreed to.

Mr.            moved to lay the bill on the table: and on the question, Shall it be laid on the table?

*Those who voted in the affirmative, are*

Messrs. Claypool, Cole, Colerick, Collins, Everts, Hillis, Liston, Thompson of L., and Vawter—9.

*And those who voted in the negative, are*

Messrs. Beard, Bell, Boon, Bradberry, Brady, Casey, Chambers, Clark, Conwell, Crawford, Daily, Dobson, Dumont, Dunning, Elliott, Ewing, Fowler, Hackett, Hamilton, Hoagland, Kennedy, Little, Milroy, Mitchell, Moore, Morgan, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Thompson of J., Trask, and Walker—37. So the bill was not laid on the table.

On motion of Mr. Morgan, the rules were dispensed with, the bill was read a third time and passed.

Mr. Ewing moved to dispense with the orders of the day and take up the bill concerning the militia of the State of Indiana;

And on the question,

Shall it be taken up?

*Those who voted in the affirmative are,*

Messrs. Bell, Boon, Brady, Casey, Crawford, Daily, Dobson, Ewing, Fowler, Hoagland, Milroy, Moore, Morgan, Puett, Smith, Stewart, Turman, Thompson of J. and Walker—19.

*Those who voted in the negative are,*

Messrs. Beard, Bsadberry, Chambers, Clark, Claypool, Cole, Cole-  
rick, Conwell, Dumont, Dunning, Elliott, Everts, Hackett, Hamilton,  
Hillis, Kennedy, Liston, Little, Mitchell, Sigler, Stafford, Stanford,  
Thompson of P., Thompson of L., Trask and Vawter—25.

The previous orders were not dispensed with.

Mr. Dumont made the following report:

Mr. PRESIDENT—

The committee on enrolled bills have compared the enrolled bills with the engrossed bills of the following titles, viz:

A bill to preserve the fire engine at Indianapolis;

A bill to amend an act entitled an act to incorporate the Turkey Plain manufacturing company;

A bill to amend an act entitled an act to incorporate the Buffalo and Mississippi rail road company;

A bill declaring a certain road therein named a state road;

A bill to incorporate the town of Shelbyville in Shelby county;

A bill to authorize the location of a state road from Rochester in Fulton county, to Monticello in White county;

A bill to amend an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved Feb. 10, 1831;

A bill legalizing an election for the sale of the 16th section in congressional township No. 3, north of range No. 2 west in Lawrence county; and

A joint resolution relative to the acts of Congress now on file in the office of the Secretary of State;

And find the same truly enrolled.

Mr. Elliott made the following report:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the House No. 35, to incorporate the Milton savings institution, have had the same under consideration, and have directed me to report it back again with one amendment, and ask the concurrence of the Senate.

The amendment was concurred in, and

On motion, the rules were dispensed with and the bill was read the third time and passed.

Mr. Beard made the following report:

Mr. PRESIDENT—

The committee on roads to whom was referred the engrossed bill of

the House relating to state roads, have had the same under consideration and directed me to report the same with sundry amendments, in which the concurrence of the Senate is requested.

The amendments were agreed to.

On motion of Mr. Dunning, the amendments were considered as engrossed and with the bill read the third time and passed.

Mr. Daily made the following report:

MR. PRESIDENT—

The committee on the affairs of the state prison, to whom were referred a resolution of the Senate requiring them to communicate to the Senate a statement of the number of convicts sent to the state's prison within the last three years, and how many were there previous to that period, and for what causes they were committed, and for what periods of time, how many have been pardoned, and at what times they were pardoned, have according to order had the subject under consideration, and not being able to obtain the information sought for by the resolution under consideration, which they have instructed me to report to the Senate and ask to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Dunning made the following report:

MR. PRESIDENT—

The committee on the state library to whom was referred an engrossed bill of the House. No. 319, entitled an act to amend an act to establish a state library, have had the same under consideration and have directed me to report the same back to the Senate without amendment and ask to be discharged from the further consideration thereof.

On motion, the rules were dispensed with, and the bill in the report was read the third time and passed.

Mr. Collins made the following report:

MR. PRESIDENT—

The committee on the state bank to whom was referred the petition of H. D. Smith and others, praying the enactment of a law to authorize the location of a branch of the state bank within the district of country composed of the counties of Franklin, Fayette and Rush, have had the same under consideration, and have instructed me to report that inasmuch as the subject of locating several additional branches of the state bank, without regard to particular counties is now before the Senate, it is in their opinion inexpedient to legislate on the subject matter prayed for in the said petition, and ask to be discharged from the further consideration of the subject;

Which report was concurred in.

Mr. Morgan made the following report:

Mr. President—

The committee on incorporations to whom was referred a bill to incorporate the Carmel steam mill and manufacturing company, report that they have made an amendment to the bill, in which the concurrence of the Senate is requested.

On motion, the rules of the Senate were dispensed with, and the bill in the report was read the third time and passed.

Mr. Milroy made the following report.

Mr. President—

The standing committee on corporations have had under consideration, a bill to incorporate the town of Greenfield in Hancock county, and have instructed me to report the same back to the Senate without amendment.

On motion, the rules were dispensed with, the bill was read the third time and passed.

Mr. Boon offered the following resolution; which was adopted:

*Resolved,* That when the Senate next adjourns, it will adjourn to meet at one o'clock P. M.

Mr. Collins moved to take from the table a joint resolution on the subject of revising the laws, which was agreed to.

On motion, the rules were dispensed with, and the bill was read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Elliott:

Mr. President—

The House of Representatives has concurred in the amendment of the Senate to the engrossed bill of the House No. 269, an act to provide for the erection of a bridge over Whitewater river at Connersville, with an amendment,

In which the concurrence of the Senate is requested.

On motion of Mr. Claypool, the Senate insisted on their amendments to the bill.

The Senate resumed the consideration of a message on hand at the adjournment yesterday.

The bill No. 347, in the message, was read a first time, and on motion of Mr. Everts, the rules were dispensed with, and the bill was read the 2d time and laid on the table.

The bill No. 348 in the message, was read a first time, and, on motion of Mr. Hamilton, the rules were dispensed with, and the bill was read the 2d and 3d times and passed.

The bill No. 391 in the message, was read a first time, and on mo-

tion of Mr. Clark, the rules were dispensed with, and the bill was read the 2d and 3d times and passed.

The bill No. 364, in the message, was read a first time, and on motion of Mr. Stewart, the rules were dispensed with, and the bill was read the 2d and 3d times and passed.

The bill No. 352, in the message, was read the first time, and on motion of Mr. Brady, the rules were dispensed with and the bill was read the 2d and 3d times and passed.

The bill in the message No. 365, was read a first time, and on motion of Mr. Beard, the rules were dispensed with, and the bill was read the 2d and 3d times and passed.

The bill No. 332 in the message, was read the first time, and on motion of Mr. Clark, the rules were dispensed with, and the bill was read the 2d and 3d times and passed.

The bill in the message, No. 390, was read a first time, and on motion of Mr. Dunning, the rules were dispensed with, and the bill was read the 2d and 3d times and passed.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives refuse to concur in the amendment of the Senate to the engrossed bill of the House,

No. 230—An act to amend an act entitled an act to regulate the fees and salaries of the several officers and persons therein named, and have concurred in the following:

No. 350—to provide for the construction of a bridge over the East fork of Whitewater river at Brownsville,

No. 165—An act for the preservation of the State House, and for other purposes.

No. 375—An act to change the mode of doing county business in Johnson county.

On motion, the Senate receded from their amendment to the bill No. 230. in the message.

The Senate adjourned.

2 o'clock, P. M.

The Senate assembled.

Mr. Vawter from the joint committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills, report, that they have compared the engrossed with the enrolled bills of the Senate as follows:

An act to authorize certain persons therein named, to erect a dam across the East fork of White river in Lawrence county.

An act to amend the 34th section of an act relative to crime and punishment, approved February 10, 1831,

An act to amend an act entitled an act to provide for an equitable mode of levying the taxes of this state, approved February 8th, 1836, and find the same truly enrolled,

An act incorporating the Crawfordsville and Terre-Haute turnpike company,

An act relative to evidence.

The joint committee on enrolled bills report that they did this day present to his Excellency the governor for his approval and signature, bills that originated in the Senate of the following titles, viz:

An act to locate a state road from Hathaway's mill in Pike county, to intersect the state road leading from Petersburg in Pike county to Washington in Daviess county;

An act to authorize Andrew Waymire to build a mill dam at Barren island in the Wabash river;

An act to locate a state road from Blair's mill to Kraco;

An act to locate a state road therein named;

An act to locate a state road in Laporte county;

An act to incorporate the town of Greensburgh in Decatur county;

An act to locate a part of the state road leading from Noblesville in the county of Hamilton, to Andersontown in Madison county;

An act to incorporate the Indianapolis female institute;

A joint resolution on the subject of the surplus revenue;

An act to amend an act entitled an act to incorporate the Logansport and Eel river bridge company, app'd. Feb. 5, 1836;

An act to locate a state road from Aaron Finch's farm in White county, via Spring creek ford to Delphi in Carroll county;

An act to appropriate a part of the three per cent fund for the purposes therein named;

An act to locate a state road in Laporte county;

A joint resolution in relation to the pre-emptions and pre-emption floats;

Also bills of the House of Representatives, &c.

No. 375—An act to change the mode of doing county business in Johnson county;

No. 306—An act attaching the county of Newton to the county of Porter for judicial purposes;

No. 186—An act to incorporate the Jeffersonville iron manufacturing company;

No. 293—An act to incorporate the Richmond trading and manufacturing company;

No. 240—An act authorizing the guardian of the heirs of Edward Elliott, jun., deceased, to sell real estate therein named;

No. 249—An act authorizing William M'Ilvain to build a mill dam across White river,

Bill No. 50, entitled an act to incorporate the Hartford steam mill and manufacturing company;

No. 90—An act to incorporate the New Amsterdam manufacturing company;

No. 313—An act to incorporate the town of Cleveland in Tippecanoe county;

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the following titles, viz:

No. 154—An act to alter the boundary lines of the counties of Carroll and White;

No. 107—An act to incorporate the Evansville manufacturing and dry dock company;

No. 258—An act appropriating the three per cent fund in Dearborn county;

No. 296—A joint resolution respecting Blackfords reports;

No. 350—An act to provide for the construction of a bridge over the east fork of White-water river at Brownsville;

No. 172—An act to incorporate a company to build a bridge over White river at Noblesville;

No. 298—An act to incorporate the Brownstown insurance company;

No. 312—An act to incorporate the Lafayette and Michigan City turnpike company;

No. 265—An act to incorporate the Fountain county insurance company, the Williamsport Warren county insurance company, and the Rockville Parke county insurance company;

No. 31—An act to regulate the disbursements of the 3 per cent fund in the unorganized counties;

No. 373—An act to authorize James Alexander, former collector of Monroe county, yet to collect any taxes yet remaining due and unpaid in said county, for the year or years for which said Alexander was collector;

No. 289—A joint resolution providing for the election of a public printer to each Houses of the General Assembly, and fixing the prices and compensation of said officers;

No. 330—An act for the relief of David Milburn and others;

And find the same truly enrolled.

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor, for his approval and signature bills of the following titles, that originated in the Senate, to-wit:

An act to appropriate the three per cent. fund in certain counties therein named;

An act to incorporate the Mount Vernon Insurance Company;

Also bills of the House of Representatives of the following titles, to-wit:

No. 184—An act to extend the Erie and Michigan canal;

No. 56—An act to incorporate the Lawrenceburgh and Tanners creek bridge company;

No. 263—An act to vacate a part of a certain state road, and to relocate a part of another state road in the county of Vermillion;

**No. 333**—An act appropriating a part of the three per cent fund in the several counties therein named, and for other purposes.

**No. 288**—An act authorizing the school commissioners to draw from the state treasury certain moneys therein named;

**No. 290**—An act for the establishment of titles to lots in the town of Merom, Sullivan county;

**No. 262**—An act to drain the swamps and low lands north east of Indianapolis;

**No. 69**—An act appropriating a portion of the three per cent fund due Hancock county, and for other purposes;

**No. 292**—An act amendatory of an act to amend the charters and define the powers and duties of the president and trustees of the town of Evansville, approved February 8, 1836;

The joint committee on enrolled bills report that they have compared the enrolled bills of the Senate of the following titles with the engrossed, viz:

An act to incorporate the Laurel academy;

An act to incorporate the Palmot turnpike company;

An act to locate a certain state road therein named;

An act to incorporate the trustees of the New Albany seminary;

An act to provide for the settlement of accounts of commissioners of the 3 per cent fund in the several counties;

An act authorizing the funding of the three per cent fund belonging to Sullivan county.

An act to locate a state road from Andersonstown in the county of Madison, to Knightstown in Henry county;

An act to amend an act entitled an act incorporating public libraries, app'd. Dec. 17, 1816;

An act to amend an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836.

An act to change the time of holding the circuit courts in the 7th judicial circuit;

An act to establish the state road therein mentioned;

An act to locate a state road therein named.

The joint committee on enrolled bills report that they have compared enrolled bills of the Senate with the engrossed of the following titles, viz:

An act to incorporate the New Albany hotel company;

An act to incorporate the Laurel savings institution and insurance company;

An act to ratify and confirm an act of the Ohio legislature incorporating a company to construct a rail road from Piqua, in the state of Ohio, to Fort Wayne in the state of Indiana;

An act to incorporate the Liverpool bridge company;

An act to incorporate the town of Shelbyville in Shelby county;

An act to amend an act entitled an act to incorporate the Turkey Plain manufacturing company;



An act to amend an act entitled an act to organize probate courts, and defining the powers and duties of executors and guardians, app'd. Feb. 10, 1831;

An act to authorize the location of a state road from Rochester in Fulton county, to Monticello in White county;

An act to amend an act entitled an act to incorporate the Buffalo and Mississippi rail road company, app'd. Feb. 6, 1835;

An act to preserve the fire engine at Indianapolis.

Also of the House of Representatives:

No. 75—An act declaring a certain road therein named a state road;

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the following titles, viz:

No. 381—An act to repeal an act relative to county orders in the county of Parke, approved Feb. 6, 1836;

No. 319—An act to establish a state road from Napoleon in Ripley county, to Vernon in the county of Jennings;

An act to incorporate the Crawford county Blue river bridge company;

An act to incorporate the Delphi insurance company;

No. 97—An act to authorize the change of venue in certain cases therein named;

No. 62—An act to incorporate certain turnpike companies therein named;

No. 170—An act amendatory of an act entitled an act to provide a general system of internal improvement, approved Jan. 27, 1836.

And find the same truly enrolled.

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature, bills of the following titles, viz:

An act to establish a state road therein named;

An act to incorporate the Crawfordsville and Terre Haute turnpike company;

An act to change the time of holding the circuit courts in the 7th judicial circuit;

An act to incorporate the Indianapolis and Michigan city rail road company;

An act authorizing the funding of the three per cent fund belonging to Sullivan county;

An act to amend an act entitled an act incorporating public libraries, app'd. Dec. 17, 1816;

An act to locate a state road from Andersonstown in the county of Madison, to Knightstown in Henry county;

An act to authorize certain persons therein named to erect a dam across the east fork of White river, in Lawrence county;

An act to locate a state road therein named;

An act to provide for the settlement of the accounts of commissioners of the three per cent fund in the several counties;

An act to amend an act entitled an act to provide for an equitable mode of levying the taxes of this state, app'd. Feb. 8, 1836;

An act to incorporate the trustees of the New Albany seminary;

An act to incorporate the Laurel academy;

An act to re-locate a state road therein named;

An act to establish a state road therein mentioned;

An act to amend an act entitled an act to provide for a general system of internal improvement, app'd. Jan. 27, 1836;

An act amendatory of the several acts regulating writs of foreign and domestic attachment;

An act to incorporate the Crawford county Blue river bridge company;

An act to incorporate the Delphi insurance company;

An act relative to evidence.

Bills of the House of Representatives:

No. 83—An act to incorporate the Mount Carmel and New Albany rail road company;

No. 173—An act to incorporate a company to build a bridge over White river at Noblesville;

No. 312—An act to incorporate the Lafayette and Michigan city turnpike company;

No. 148—An act to incorporate the Indianapolis master carpenters and joiners' association;

No. 181—An act to incorporate the Vincennes and Terre Haute turnpike company;

No. 31—An act to regulate the disbursement of the 3 per cent fund in the unorganized counties;

No. 265—An act to incorporate the Fountain county insurance company, the Williamsport Warren county insurance company, and the Rockville Parke county insurance company;

No. 373—An act to authorize James Alexander, former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county for the year or years for which said Alexander was collector.

No. 154—An act to alter the boundary lines between the counties of Carroll and White;

No. 324—An act appropriating a portion of the three per cent fund hereafter coming to Vigo county, to the construction of a certain bridge therein named;

No. 330—An act for the relief of David Milburn and others;

No. 385—An act to authorize the board of internal improvement to sell certain reserved lands;

No. 374—A joint resolution to amend and explain a joint resolution passed and approved at the present session of the General Assembly aforesaid, entitled a joint resolution relative to officers of the state bank and branches;

No. 258—An act to appropriate part of the three per cent fund of Dearborn county,

No. 350—An act to provide for the construction of a bridge over the east fork of White-water river at Brownsville;

No. 80—An act to change the mode of doing county business in the county of Huntington;

No. 381—An act to repeal an act relative to county orders in the county of Parke app'd. Feb. 6, 1836;

No. 319—An act to establish a state road from Napoleon in Ripley county to Vernon in Jennings county;

No. 392—An act to appropriate the unappropriated balance of the 3 per cent fund appropriated to the county of Orange;

No. 107—An act to incorporate the Evansville manufacturing and dry dock company;

No. 296—A joint resolution respecting Blackford's reports;

No. 329—An act for the relief of the collector of Cass co. for 1836.

No. 289—A joint resolution providing for the election of a public printer to each house of the General Assembly, and fixing the prices and compensation of said officers;

No. 298—An act to incorporate the Brownstown insurance company;

Bills of the Senate:

An act to amend the 34th section of an act relative to crime and punishment, approved Feb. 10, 1831;

An act to incorporate Palmet turnpike company;

Of the House of Representatives:

An act authorizing the sale of certain seminary lands in Monroe county.

Mr. Elliott from the joint committee on enrolled bills made the following report:

That they did on this day present to his Excellency the Governor, for his approval and signature a bill which originated in the Senate, as follows:

An act incorporating congressional townships, and providing for public schools therein.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has concurred in the amendment of the Senate to the engrossed bill of the House, entitled

No. 241—An act to provide for a geological survey of the State of Indiana.

On motion of Mr. Dunning, the bill for the relief of James Warren was taken up, and

On motion of same gentleman, the rules of the Senate were dispensed with, the bill read a third time and passed.

On motion of Mr. Brady, the vote indefinitely postponing the bill forming school districts in the counties of Shelby and Monroe, was reconsidered, and the motion to indefinitely postpone being withdrawn, the rules were dispensed with, the bill read a third time and passed.

On leave granted, Mr. Daily introduced a bill imposing a tax on pedlars and travelling merchants;

Which was read a first time, and

On motion of Mr. Mitchell, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Clark, the bill was amended by striking out the last section which exempted merchants from paying for license, and the bill passed to a third reading.

Mr. Crawford made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the engrossed with the enrolled bills, to-wit:

An act to re-locate the seat of justice in the county of Noble;

An act declaring Banbango creek a public highway;

And find the same truly enrolled.

On leave granted, Mr. Thompson of P. introduced a joint resolution relative to the publication of a certain law; which was read a first time, and

On motion of Mr. Thompson, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

Mr. Thompson of P. made the following report:

MR. PRESIDENT—

The committee of free conference appointed to take into consideration the disagreement of the two houses in relation to sundry amendments of the House to sundry amendments of the Senate to the bill of the House No. 233, entitled an act distributing so much of the surplus revenue of the United States as the state of Indiana may be entitled to, by an act of Congress, approved June 23, 1836, have had the same under consideration, and report the following agreement in relation thereto.

The committee agree that the Senate concur in the second amendment of the House with an amendment, namely, to add, after the words "if they had 300 polls," the further words "provided, however, that all counties containing more taxable polls than 300, and less than 700, shall have added thereto seventy-five polls; but no such addition to any county containing a less number of polls than 700 shall increase the same to more than 700 polls."

The committee further agree that the Senate recede from its disagreement to amendment No. 3 of the House.

The committee further, in regard to amendment No. 8, of the House, agree, that the Senate recede from its disagreement, except as regards the following agents, to-wit: John P. Sutherland and William Berry;

And further that the House recedes from its amendment in regard to the above named agents;

And further that the House recede from its disagreement to the appointment of John Elder as agent.

The report was concurred in.

Mr. Clark made the following report:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill of the House of Representatives, No. 241, entitled an act to provide for a geological survey of the state of Indiana, have, in pursuance of the instructions of the Senate, with which said bill was referred, directed me to report the following amendment:

The amendment was concurred in, and

On motion, the rules were dispensed with, and the bill was read a third time and passed.

Mr. Clark made the following report, which was laid on the table:

Mr. PRESIDENT—

The select committee who by a resolution of the Senate was instructed to inquire into the condition of the State Bank, and also the relations existing between said Bank and Branches and the Treasury Department of the United States; and also what communications had passed between the officers of said Bank and the Secretary of the Treasury of the U. S., or his agent, or any other person in relation to the reception of the public deposits; and also, what connection exists between the insurance offices and the banks, have herewith directed me to report the paper No. 1, containing Mr. Merrill's answers to the general interrogatories contained in the resolution of the Senate.

Paper No. 2, containing the answer of Mr. Merrill to interrogatories propounded by the committee.

Papers marked No. 3, containing the answer of Mr. Morris, cashier of the Branch Bank at Indianapolis, to interrogatories propounded by the committee; and also certain communications from R. M. Whitney to the cashier of said Branch, and the letter of Mr. West to Mr. Morris.

Papers marked No. 4, containing the written and printed communications from R. M. Whitney to the officers of the State Bank; and the communications of the Bank to R. M. Whitney.

Paper marked No. 5, the examination of James M. Ray, cashier of the State Bank.

Paper marked No. 6, the examination of Nathaniel West.

### No. 1.

Question. What matters are within your knowledge in relation to the subjects mentioned in the resolution?

Answer. The condition of the bank was reported at the commencement of the session, and its present situation can be seen from

the reports of the branches, which are made every two weeks. The bank, at this time, appears to be doing a safe and tolerably good business. Most of the branches, however, have, for some time past, kept down their discounts below the limits fixed in the charter, it is presumed, from the present uncertainty of the money market.

The bank is at this time a depository of the money of the United States under the law of the last session of Congress: previous to which there was a special agreement with the Secretary of the Treasury on the subject of the deposits. All arrangements have been made directly with the Secretary of the Treasury, and I have not, to the best of my recollection, written any letters on the subject, except to him and our senators in Congress. These letters relate merely to the business under consideration, and contain nothing, it is believed, worthy of special notice at this time.

Several communications have been received at the bank, marked A, B, C, D, and E, from R. M. Whitney, a part of which were replied to by Mr. Ray, the cashier, of which copies are furnished marked F, G, H. But to Mr. Whitney's last letter, of which there was one to me and one to the Cashier, no reply has been made, as it was not thought proper to pay any attention to his suggestions. Other communications, not on file, have been received from Mr. Whitney, which contained, in general, printed reports, documents, &c. A number of his letters were franked by the Secretary of the Treasury.

The propriety of employing Mr. Whitney as agent for the Bank has been mentioned in the board, but it met with no favor. We had no object to effect in which it was desirable to engage his assistance.

Three of the branches, Richmond, Madison, and New Albany, have at different times had deposits in insurance companies or savings banks, all which, except the latter, have been discontinued as I understand from their reports; they having been disapproved by the state board.

None of the officers of the bank has within my knowledge made use of official situation to influence general politics in any way. Those of us who reside at the seat of Government, know well that both our situation here and in the bank, not less than our habits and feelings prevent all interference on our part in politics. That appointments are made and favors given entirely without reference to party, must be evident to all who are acquainted with the proceedings of the State Bank and Branches. Individual directors of Branches may have given good or bad reasons for their inability to make discounts, but I have never yet heard complaint made that any individual had been favored with a discount or refused one on account of his party. I make these statements because some person, who must have been furnished with information from Washington, to enable him to attack the Bank *here*, has lately charged it in the papers with lending itself to a party.

It is frequently not in the power of those concerned in banks to explain on all occasions every matter with which ignorance or malice may charge them. That the specie circular caused a great run on the western banks, and made it necessary for them to curtail their dis-

counts cannot be denied by any one having any knowledge of business. Less curtailment however was made in our bank than in most others, owing to the prospective increase of stock in November. The press for specie, and the uncertainty as to future prospects, made it desirable, in the opinion of those interested, who could be consulted, that the President of the Bank should be on the spot in New York on first November, when the loans were to be paid the State to decide what should be done as to importing specie. The banks of Ohio and Kentucky being at the time engaged in importing specie, seemed to render it important that our bank should do what was for the best in this matter. The business was not made public, and could not have become "*exciting to the public mind here,*" as stated by the person before referred to. When I arrived in New York and found that the amount of the loans could not be brought away in specie without great public injury, no attempt was made *there*, nor by writing *here* to make a panic, as probably would have been done by a mere politician. \$50,000 in gold was brought home for such of the branches as should prefer it; \$2000 nearly were saved to the state, and about as much more to the branches by western drafts, and the balance of the loan was left in New York on interest. The whole history which might be tedious, will shew that it was managed, not for political effect, but for what is yet believed the interest of the State and the Bank.

If political objects are to be effected, it is not by the bank, but by persons who send to Washington for information, perhaps to Whitney, and mix it up with falsehoods to injure the Bank and delude the public.

## No. 2.

Question by Mr. Clark.—Will you state what operation the transfer drafts, of the Secretary of the Treasury, had upon the State Bank, and whether the Branches were compelled in consequence of such transfers to curtail their issues; and also whether such drafts were made as favorable to the said bank as the act of Congress regulating the deposits would permit, and also whether the terms of the contract between the Secretary of the Treasury and the Bank were adhered to on his part?

Answer.—It was not the operation of the transfer drafts which rendered it necessary for the banks to curtail their discounts, though these drafts were often made at a shorter notice and at different places from those specified in the first contract. This contract however terminated on the passing of the deposite law by Congress, in June last. Since that time the issuing of the transfer drafts by the Secretary, has been as favorable as could be expected; but from the great demand for specie since the issuing of the Treasury order, the banks to which the transfers are made expect and require a large portion of them in specie.

Question by same.—Do you know of any attempt by any officer of

the General Government to purchase any large amount of stock of any of the Branches?

Answer.—I do not.

Question by Mr. Milroy.—Do you suppose it was the intention of the Secretary of the Treasury, by his specie regulation, to injure the state of Indiana or the Bank in any respect?

Answer.—I have no such supposition.

Question by Mr. Smith.—The whole operation of the treasury circular has passed under your notice; please state whether, in your opinion, the pressure on the people of this state was real or a panic, as it relates to the interest of the people of the state, and whether it did not cut short foreign speculation in the public lands?

Answer.—It has been my opinion that there has been too much speculation or over trading in lands and town lots for the good of the state, and that this speculation would in time have produced embarrassment and pressure. For such results, the best remedy would be to permit men of sense to see and prepare for them. When difficulties arise, either from bad legislation, or from popular mistakes and imprudence, such occurrences usually give warning and may be guarded against, but when a regulation like that of the specie circular is suddenly adopted, it might well create real alarm among those concerned in banks. An important distinction was made between specie and bank paper calculated to throw suspicion upon the latter. Other regulations on the subject seemed to be contemplated in future. In new countries suspicions are easily excited, and confidence in individuals is very limited, and many citizens of the West still remember the results of their first attempt at banking. Under such circumstances as the paper of the branches was continually returning for redemption, and as many of the private deposits were being withdrawn in specie, the directors would have been faithless to themselves if they had not paused to examine how far they might safely venture.

### No. 3.

In answer to the several interrogatories submitted by Mr. Clark, I reply, that the first direct information I had that Mr. Whitney was in any manner connected with the deposit banks and the treasury department, was the receipt of a printed circular from him in the summer of 1835, proposing an arrangement between the several deposit banks, for the redemption, in New York or Philadelphia, of such of their notes as were received at the land offices for public lands. The branch at this place agreed to enter into the arrangement, and I wrote to Mr. Whitney that this branch would redeem at the City Bank, New York, such of its notes of fifty dollars and upwards, as might be received by any deposit bank from the public receivers, and that it would receive on deposit from the public receivers, the notes of all deposit and other good banks, that would redeem the same either in New York or Philadelphia. The accompanying circular of Mr. Whitney,



marked A, will shew the nature and extent of this arrangement, and how far it had the sanction of the treasury department.

I have had no other correspondence with Mr. Whitney, except that I have received from him two or three tabular statements shewing the condition of the deposite banks.

Some time in April or May last, in a conversation I had with Mr. West on the subject of the deposites and the transfer drafts of the treasury department, I stated in substance that the number and amount of the transfers were then, or had been, rather oppressive, especially as some of them were upon much shorter notice than the bank was entitled to under its agreement, and that on account of the interior location of this branch, due notice was much more important than to banks in the large commercial cities on the Ohio where they had much greater facilities for making distant transfers. I also stated that it was very desirable on the part of the bank, to have some understanding as to the amount that would probably be permitted to remain on deposite undrawn for, as the uncertainty as to the time when the whole might be called for on short notice rendered it very difficult to make such disposition of the funds as would leave them available on short notice, and at the same time afford a profit that would compensate for their receipt and transfer. I believe I had more than one conversation with Mr. West on the subject, as he was frequently at the bank on business, and manifested that interest in the affairs of the institution, that a large stockholder would naturally feel. Mr. West informed me that he expected shortly to visit Washington, and offered to take charge of any communication I might have to make; and further said he would interest himself so far as to converse with Mr. Woodberry on the subject. I do not wish to be understood as giving the precise language, but only the purport and substance of our conversations.

In one conversation we had on this subject at the counter of the bank, and I believe the first in which Mr. Whitney's name was introduced, Mr. West inquired if the bank corresponded with Mr. Whitney, or had employed him as an agent to attend to its concerns. I replied that he was not employed, and I believe I stated to him in substance what I have above stated as to the agency of Mr. Whitney in effecting the arrangement among the deposite banks. Mr. West intimated the opinion that it might be for the advantage of the bank to engage his services as agent, and something was said about the compensation, but Mr. West seemed not to know what his charges were, but supposed they would be moderate, or but a trifle, and I am certain that I named no sum that the bank would be willing to give, as I was not authorized by the Board of Directors to make any proposition. Not long after this I met with Mr. West on the street, and learning from him that he expected to start to Washington in a few days, I requested him to call at the bank before he started, which he agreed to do. When he came, the subject of the deposites and transfer drafts was resumed, at which time some of my previous remarks were repeated, and further explanations made as to the necessity of the longest possible no-

tice of transfers and the advantages of having some understanding as to the probable amount that would be permitted to remain undrawn for. In the course of this or some previous conversation, I informed him that one of the banks at Cincinnati, to which some of the transfer drafts on this bank were payable, had notified me that nothing but its own notes or specie would be received in payment, excluding the notes of the other city banks; and that in making payment of one draft after receiving this notice, although the bank had relaxed a little, it would not agree to relax any as to subsequent payments. During this last conversation the employment of Mr. Whitney was again mentioned, and I desired Mr. West to ascertain from him what would be his charge as agent for three of the deposite branches, which he promised to do. He also made some memorandums of our conversation, and said he would converse with Mr. Woodbury on the subject.

While at Washington Mr. West addressed me the letter marked B.

The directors of the branch declined making any agreement with Mr. Whitney for his services, and never have had any business connexion with him.

My object in requesting Mr. West to enquire as to Mr. Whitney's charges, was for the purpose of procuring information for the action of the Board of Directors. Before Mr. West intimated the propriety of engaging his services, I had heard some rumors that at least some of the deposite banks had found their advantage in his employment, and I was then confirmed in the belief of what I before only suspected.

To the interrogatories propounded by Mr. Brady, I answer, that since the treasury order came in force, its effects have been to limit the business of the branch in this place, as well as of the banks generally in the western country; and the other officers of the bank and myself have frequently and truly assigned its influence upon the business and currency of the country as the reason why the bank could not discount to the same extent it otherwise would have been able to do.

From August to November the bank was authorized to discount to 24 of the amount of its capital, and the average line of discounts was considerably below the limit. There is less specie now in the vaults of the bank than before the treasury order took effect.

Under the treasury order, after the 15th of August until the 15th Dec., non-residents only were required to pay in specie, while residents of the State and actual settlers were permitted to pay in bank notes. This served to increase the purchases by our own citizens who were desirous to avail themselves of the privilege of paying with paper while they could; and consequently the proportion of Indiana paper thrown into the land offices was increased, while the supply of foreign bank notes which were desirable to the deposite banks as a means of transferring the public money beyond the State, was in a great measure cut off; and as Indiana paper would not pay transfer drafts in Cincinnati or Louisville, the demand upon the specie resources of the banks was increased.

To the interrogatory of Mr. Smith, I answer, that I know of no con-

cert among the bank officers at Indianapolis or elsewhere, to raise a clamor against the treasury order for the purpose of producing an effect on the Presidential election in November last.

I did believe, at the time, that it was necessary for the President of the State Bank to go to New York for the purpose of bringing home the bank loan in specie, not only for the reason that I understand the charter of the bank to require all stock payments to be made in specie, but because from the prospect then before us as to the state of the currency, I thought it necessary to the interests and prosperity of the institution.

To the interrogatories of Doctor Mitchell, I answer generally in the negative.

B. F. MORRIS.

MR. MORRIS.

*Question by Mr. Brady.* Have you not at some time stated that the treasury order had curtailed the issues of the Bank?

*Answer.* I have.

*Question.* Have you not, and the clerks in the bank, assigned the effects of the above order as a reason why the bank could not extend accommodations to applicants for loans?

*Answer.* We have said the bank could not extend accommodations to the same extent on that account.

*Question.* Was that your true reason for refusing to loan?

*Answer.* It was the true reason; and in some instances, the application was deemed sufficient.

*Question.* Were not the discounts at that time about the extent of your chartered limits?

*Answer.* I am unable to say from recollection—I am inclined to think they were not.

*Question.* To what extent were you then authorized to go?

*Answer.* All the banks which accepted of the deposits were authorized, I think, to go to two and one-third, or two and one half—will not say certainly, in August, September, and October.

*Question.* Do you believe that there was any necessity for the President to go East at that time to import specie?

*Answer.* I think there was.

*Question by Smith.* Do you know of any concert amongst the bank officers at Indianapolis or elsewhere, to raise a clamor against the treasury circular to produce an effect on the Presidential election, in November last?

*Answer.* I do not.

*Question by Brady.* Is there more or less specie in the vaults of the branch bank now, than in the fall?

*Answer.* There is less.

*Question.* Was there not more specie thrown into the bank after the issuing of the treasury order, than before that time?

*Answer.* There was not a larger proportion of specie after the 15th

of August, until all paper was received.—I can only speak as to the land office at this place.

*Questions propounded by Mr. Mitchell.* Has the bank lent or deposited money with exchange brokers; and if so, how much?

Has the bank furnished funds to any insurance offices; and how much?

Does the bank or any of its officers receive any advantage from the exchange brokers?

Has the insurance officers had money from the bank, when applicants were refused?

WASHINGTON, June 4th, 1836.

DEAR SIR—

I have seen the Secretary of the Treasury, upon the subjects referred to in your interview with me.

There will be no difficulty in extending the time of notice of his intention to draw, provided you see fit to make the application therefor.

It is quite probable that the amount of deposit with you will be allowed to increase, provided you should be willing to make remittances to New Orleans, or direct to the East.

As to the amount allowed to remain, not being under a fixed sum, nothing certain can be obtained upon that point, as all funds must be subject to government appropriations.

Would it not be of great advantage to the State Bank of Indiana, to confine their receipts from the public receivers, to their own notes, specie, and the notes of such banks as will redeem the same in New York and Philadelphia? By this course we exclude from circulation within the state, the notes of foreign banks to a great extent; and besides this, obtain a description of funds in part, which will be received by other deposit banks for transfer drafts, as well as such funds as are at once available in New York and Philadelphia. The branch of the United States bank at St. Louis, for a long time prior to a change of agency there to the Com. Bank of Cincinnati, would not receive from the receivers the notes of any bank whatever, but those of the United States Bank and branches.

I think the course of the Franklin bank of Cincinnati, in first objecting to receive from you the notes of other banks of that city, although afterwards waived, does not meet the sanction of the Secretary.

I take the liberty of sending the report of the Secretary in relation to the transfer of funds from the West to the East, which proves that the impression formed upon that subject is erroneous.

I have conversed with Mr. Whitney, and send you his late circular.

His pay for attending to the business of the banks, will depend upon what they see fit to offer; but I think he would readily attend to the concerns of the deposit banks in Indiana, for \$400.

Respectfully,

Yours in haste,

NATH'L WEST.

P. S. I have just seen a letter from Dr. Coe; he is discouraged by the condition of the money market in New York; he is expected here in a few days.

Indiana must send to Europe for money, where with *proper* guarantees she will obtain all she wants upon better terms than in the United States.

B. F. MORRIS, Esq.

WASHINGTON, August 29, 1835.

SIR—

I have the pleasure to inform you, that since my circular to you, of the 25th June last, I have received communications from the greater part of the deposit banks, upon the subject of redeeming such of their notes in New York and Philadelphia, as may be received on deposit from receivers of proceeds of public lands, as well as receiving from such receivers the notes of such of the deposit and other banks as redeem the same either in New York or Philadelphia; and I am enabled to communicate to you the arrangements made with the following banks, viz:

*Bank of Burlington, Burlington, Vermont.* This bank redeems its notes of all denominations of five dollars and upwards unlimitedly, at the Merchants' bank in the city of New York. It also receives on deposit the notes of such banks as are at par either in N. York, Philadelphia, or Boston.

*Mechanics' and Farmers' Bank, Albany.* This bank redeems all its notes of the denomination of fifty dollars and upwards, unlimitedly, at the Merchants' bank in the city of New York. It also receives the notes of all banks which are at par in New York or Philadelphia.

*Bank of America, New York.* This bank will receive the notes of all the deposit banks situated north and east of that city, of the denomination of fifty dollars and upwards, on deposit, from deposit banks, which they may have received from the receivers of sales of public lands.

*Mechanics' Bank, New York.* This bank will receive the notes of the two deposit banks in Boston, (the Commonwealth and Merchants'), they having arranged with this bank to redeem the same, of all denominations of five dollars and upwards.

*Gerard Bank, Philadelphia.* This bank will receive from all the deposit banks, the notes of any and all the deposit banks north and east of Philadelphia, which they may receive from the public land receivers, of the denominations of fifty dollars and upwards.

*Union Bank of Maryland, Baltimore.* This bank redeems its notes, unlimitedly, in New York, at the Merchants' bank; and in Philadelphia, at the Philadelphia bank: and it receives on deposit, and in payment of all dues, the notes of all good banks which are redeemed in those cities.

*Bank of the Metropolis, Washington.* This bank redeems its notes, unlimitedly, in Philadelphia, at the Gerard bank; and in N. York, at

the bank of America, Mechanics' bank and the Manhattan company. It receives on deposit the notes of all such banks as are at par in either of those cities.

*Bank of Virginia, Richmond.* This bank redeems its notes, unlimitedly, in Philadelphia, at the Gerard bank, and the Farmers' and Mechanics' bank; and in N. York, at the Mechanics' bank and Manhattan company. It receives the notes of all the banks above the denomination of ten dollars, which redeem their notes in either of the above cities.

*Bank of Augusta, Augusta.* This bank redeems, at the Bank of America, in N. York, such of its notes as may be received by the receivers of proceeds of sales of public lands.

*Union Bank of Louisiana, New Orleans.* This bank will redeem at the Merchants' bank in N. York, all its notes which may be received by deposit banks, in payments on account of the government. It will receive on deposit, from the receivers of public lands, the notes of all such deposit banks as cause them to be redeemed in N. York or Philadelphia.

*Commercial Bank of New Orleans, New Orleans.* This bank will redeem at the Bank of America, in N. York, such of its notes as may be received by deposit banks for all payments made on account of the government. It will receive on deposit from the receivers of public lands, the notes of all such deposit banks as redeem the same in New York or Philadelphia.

*Planters' Bank, Natchez.* This bank has, in no instance, since it became a selected bank, refused to receive from a public receiver, a note of any one of the deposit banks. It will continue to receive on deposit, from the public receivers, the notes of each and all the deposit banks, without regard to their location.

*Union Bank, Nashville.* This bank issues but few notes which are not made payable upon their face, either at Philadelphia or N. Orleans. It will receive in payment of all dues to the government, the notes of all deposit and other banks which redeem the same either in N. York or Philadelphia.

*Commercial Bank, Cincinnati.* This bank will redeem at the Gerard bank in Philadelphia, all its notes of the denominations of fifty dollars and upwards, which may be received by any deposit bank, to be placed to the credit of the U. States. It will receive on deposit from public receivers, the notes of all such deposit and other good banks, at Cincinnati, and its agency at St. Louis, as redeem the same in New York or Philadelphia.

*Clinton Bank, Columbus.* This bank will redeem, at the Phoenix bank in New York, all its notes of the denominations of fifty dollars and upwards, as may be received by any deposit bank from the public receivers. It will receive on deposit from the public receivers, the notes of all such deposit and other good banks as redeem the same either in N. York or Philadelphia.

*State Bank of Indiana, Indianapolis.* This bank will redeem, at the City bank in New York, any of its notes of the denomination of

fifty dollars and upwards, which may be received by any deposit bank, from the public receivers. It will receive on deposit, from the public receivers, the notes of all such deposit and other good banks which redeem the same either in New York or Philadelphia.

*State Bank of Indiana, Richmond Branch.* This bank will redeem at the Bank of North America, in Philadelphia, and the Merchants' bank in N. York, all such notes of the denominations of fifty dollars and upwards, as may be received by any deposit bank from the public receivers. It will receive from the public receivers the notes of all such deposit banks as redeem the same either in New York or Philadelphia.

*Bank of Michigan, Detroit.* This bank will redeem in the city of New York, through their agents, Messrs. John Ward & Co. all such of its notes of the denominations of fifty dollars and upwards, as may be received by any deposit bank from the public receivers. It will receive from the public receivers the notes of all such of the deposit and other good banks as redeem the same either in New York or Philadelphia.

*Farmers' and Mechanics' Bank, Detroit.* This bank will redeem, at the Bank of America in New York, all such of its notes of the denominations of fifty dollars and upwards, as may be received by any deposit bank from the public receivers. It will receive from the public receivers the notes of all good banks north of the Potomac and Ohio rivers, and of such southern banks as redeem the same either in New York or Philadelphia, of the denominations of twenty dollars and upwards.

*Merchants' and Manufacturers' Bank, Pittsburgh.* This bank will redeem, unlimitedly, such of its notes as may be received by any deposit bank, from the public receivers, at the Commercial Bank, in Philadelphia. It will receive on deposit, on public account, the notes of all such deposit or other good banks as redeem the same in New York or Philadelphia, of the denominations of twenty dollars and upwards.

These arrangements have been entered into with the understanding and full reliance, that each bank will act towards the other in fairness and with the most sacred fidelity. That no one will call upon any other to redeem their notes which have not been received from the public receivers, or in payment of the public dues, in cases where the banks have extended the limitation that far.

I have forwarded a copy of this to each of the public receivers, and I have no doubt but they will all act with such fairness, that no injustice will be done to any one of the deposit banks. Should it ever be otherwise, and any one of the banks have cause to feel aggrieved, I am authorized by the Secretary of the Treasury to say, that he will take the most prompt measures to remove any just cause of complaint.

It is expected by all the banks which have come into the arrangement, that when one forwards for redemption, at the places named, the

notes of any other bank, it will, at the same time, inform such bank the amount which it has thus sent forward.

I would suggest, that in case any one of the deposit banks which have not entered into this arrangement, shall hereafter do so, they communicate the terms, &c., to me, that the same may be communicated to the others, as well as to the public receivers.

As it will greatly increase the security against counterfeits, I would suggest that each deposit bank which has, or may enter into this arrangement, forward to each of the other deposit banks, and to each of the public receivers, the signatures of their respective presidents and cashiers. For this purpose, I forward with this a list of the public receivers, with the places of their residence.

I am, very respectfully,

Your most obedient servant,

R. M. WHITNEY.

#### No. 4.

WASHINGTON, June 25th, 1835.

SIR—

Some inconvenience having lately been experienced by the receivers of sales of lands, in consequence of some of the deposit banks declining to receive from the notes of such banks as other deposit banks have been in the habit of receiving from them previously, I have tho't that the convenience of the public might be greatly promoted, if some general arrangement can be made, whereby the public, the receivers, and each of the deposit banks will know what bank notes will be received from the receivers, for proceeds of sales of public lands, by any of the deposit banks.

It appears to me, that such a plan can be matured and carried into successful operation, by which all those conveniences may be acquired without expense or inconvenience to the deposit banks, when the benefits which they will derive themselves are considered.

It is this, that each of the deposit banks, so far as their notes of the denomination of fifty dollars and upwards, are received by either, from the receivers of public lands, will redeem them, either in New York or Philadelphia.

This could be effected in this manner:—Each of the deposit banks to arrange with a bank in either of the above mentioned cities, to redeem its notes, when received for sales of public lands, and forwarded by a deposit bank. Each bank, at the time of forwarding the notes of another, to be redeemed, at the same time to give it notice of having done so, together with the amount. This will enable such bank, in case it shall not have funds at its credit with its correspondent, to transmit them immediately thereafter.

The benefits which the public will derive from such an arrangement becoming general with the deposit banks, so that it can become generally known that the notes of the denominations of fifty dollars and upwards, of any one of the deposit banks, will be received by all the receivers of proceeds of public land sales, must be too manifest to call



for comment. I should think that the increase of circulation which the deposit banks will acquire by such an arrangement will more than compensate them for any expense which will be incurred by any one in carrying it into effect.

The supervision which the treasury department has over the operations of all the selected banks, offers, I think, a sufficient guarantee of security to the deposit banks, in agreeing and uniting in this arrangement.

I would suggest, that the notes of any good bank, of any denomination above ten dollars, be also received, which gives evidence of having made arrangements whereby its notes will be redeemed in either of the aforementioned cities. Such arrangements will do much towards improving the general currency of the country, and the receipt of them will furnish means to the deposit banks towards redeeming their own notes.

Will you be good enough to inform me whether your bank will be willing to unite in such arrangement, and provide for the redemption of its notes those received; as well as whether it will receive the notes of all good banks which thus redeem their notes? Also, the bank with which it arranges and corresponds for this purpose, that no time may be lost in completing a general arrangement, and communicating it to the public; which will lead to a discontinuance of the inquiries made now constantly of the treasury department, as to what bank notes will be received in payment of public lands.

Some of the deposit banks in the interior, have already arranged for the redemption of their notes in the city of New York, without limitation.

I am, very respectfully,

Your most obedient servant,

R. M. WHITNEY.

The Cashier of the

State Bank of Indiana,

Indianapolis.

STATE BANK OF INDIANA, }  
July 9th, 1835. }

R. M. WHITNEY, Esq.

Dear Sir: Your late communication on the subject of a mutual arrangement as to the receipt of bank paper of \$10,000 and upwards, if redeemed at New York, has been submitted to the branch at this place, and is favorably regarded by the officers.

I expect to forward you a definite answer from its board next week, as to the redemption of its bills received by receivers of public money of \$50 and upwards. The branch is willing to consent, and to receive the \$50 bills of any other bank which will also redeem them at New York.

If there can be an *undoubted assurance* that no deposit branch will transmit any bank notes to be so redeemed except those which have

been in *good faith* received from the land offices, and also that the receivers of public moneys be effectually prevented from *exchanging* money received for public lands; I have no doubt the branch at this place at least, if not all our deposite branches will enter into and *strictly comply* with a mutual arrangement, even to include \$10 bills and upwards.

It would especially suit the branches here and the Bank of Michigan to have such a mutual arrangement, including the branch of that bank near the state line.

Please address a communication, if you have not, to our other deposite branches at Richmond, Madison and New Albany on the subject.

Very respectfully yours, &c.,

JAMES M. RAY,

Cashier State Bank.

STATE BANK OF INDIANA, }  
July 9, 1835. }

R. M. WHITNEY, Esq.

*Dear Sir:*—Your late communication on the subject of a mutual arrangement as to the receipt of bank paper of \$10,000 and upwards, if redeemable at New York, has been submitted to the branch at this place, and is favorably regarded by the officers.

I expect to forward you a definite answer from its Board next week. As to the redemption of its bills received by receivers of public money of \$50 and upwards, the branch is willing to consent, and to receive the \$50 bills of any other bank which will also redeem them at New York.

If there can be an *undoubted assurance* that no deposite branch will transmit any bank notes to be so redeemed, except those which have been in *good faith*, received from the land offices, and also that the receivers of public moneys, be effectually prevented from *exchanging* money received for public lands; I have no doubt the branch at this place, at least if not all our deposite branches, will enter into and *strictly comply* with a mutual arrangement, even to include \$10 bills and upwards.

It would especially suit the branch here, and the Bank of Michigan, to have such a mutual arrangement, including the branch of that bank near the state line.

Please address a communication, if you have not, to our other deposite branches at Richmond, Madison, and New Albany, on the subject.

Very respectfully,

Yours, &c.,

JAMES M. RAY,

Cashier State Bank.

STATE BANK, July 11, 1835.

R. M. WHITNEY, Esq.

*Sir:*—I am authorized by the branch at this place, (Indianapolis) to state, that they will receive on deposite, on behalf of the United States,

the notes of fifty dollars and upwards of any bank that will redeem such paper, so *bona fide* received monthly at a bank in the city of New-York; and that the said branch will also to such banks as receive the Government deposits, and so redeem as above stated, their own paper redeemed monthly at the city of New York, the paper of this branch received *bona fide* on public deposite, from Government offices by such deposite banks. The engagement to be liable to be closed, at the pleasure of this branch, on transmitting to you, a month's or any reasonable notice thereof, except that in case of the solvency of any bank whose paper is so receivable, becoming uncertain or doubted, as suspension of the engagement as to such bank, may at any day without notice, be made by the branch. No determination of the branch has yet been expressed as to bills of smaller size.

I am, sir,

Your ob't serv't,

JAMES M. RAY,

Cashier.

STATE BANK, August 6, 1835.

R. M. WHITNEY, Esq.

Sir:—I am authorized by the branch at Indianapolis of the State Bank, to state that said branch agrees to receive on public deposite for land sales, the notes of any good bank of any denomination above ten dollars, which gives evidence of having made arrangements, whereby its notes will be redeemed *generally*, in either New York or Philadelphia. Said branch expects to manage with the city bank for the redemption, as heretofore stated, of its notes of \$50 and upwards, received from the receiver of public lands, as soon as it is advised of such operations becoming generally entered into by the deposite banks.

Your obedient servant,

JAMES M. RAY,

Cashier.

P. S. It would be a fair deduction from the arrangement aforesaid, that the deposite banks, to whom we are by contract liable to pay transfer drafts should receive of us, in payment thereof, any of such notes of good banks so received for land sales as above by the branch at Indianapolis; and the said branch agrees for itself to receive such notes in payment of any transfer draft made to its favor. The branch at Indianapolis has been very unexpectedly required by the Commercial Bank of Cincinnati to transfer \$10,000 amount of draft of treasury, No. —, to St. Louis, at a cost of  $\frac{1}{2}$  per cent. above Cincinnati par, because said bank had an agent there. There is no deposite bank at St. Louis to which we contracted to pay; and if we are justly liable to transfer funds to any point in the western states, where the Commercial Bank or any other deposite bank may choose to station an agent, while it declines to have the funds paid it at its own counter,

(although the branch has constantly kept a large deposit there *without* charge or interest) it is evident we could in no way prepare ourselves to say, from what point, we might not be liable to be called upon.

It is submitted, on behalf of the branch at Indianapolis, that this is not in conformity with the spirit of our contract. The draft was duly paid at St. Louis, at a cost  $\frac{1}{2}$  per cent. above Cincinnati par.

Very respectfully,

J. M. RAY, *Cashier.*

WASHINGTON, July 17, 1835.

SIR—

I am this day favored with your letter of the 9th inst. I have forwarded as you requested, a copy of my circular of the 25th ultimo, to each of the branches of your bank at Richmond, Madison and N. Albany,

As far as I have received answers from the banks to which I addressed my circular, there is not one which has not agreed fully to every part of it; and many express the belief that it will be of great service to the public, and of utility to all the deposit banks.

If any bank should be found faithless to the arrangement after it is completed, and violating the confidence which must of necessity be reposed in each other, I think I can say with safety, that it would cause the immediate dismissal from the Government agency of any such bank.

The banks will be effectually secured against any unfairness of this sort, as well as from any acts of the receivers which might operate prejudicially to any one.

Very respectfully,

Your most obedient serv't.

R. M. WHITNEY.

JAMES M. RAY,

*Cashier State Bank, Indiana.*

WASHINGTON, August 4th, 1835.

DEAR SIR—

I have your letter of the 25th ultimo. Will you do me the favor to inform me the bank with which you shall redeem your notes as specified?

It would be better, I think, if you could say that your notes will be redeemed on *presentation*, than monthly. There will be no difficulty in arranging with either of the deposit banks in New York to pay your notes on presentation, even should you not have the funds in hand at the moment.

My impression is, that you will find, that you will receive a far larger amount of notes of other banks which will be redeemed in New York, than you will have of your notes to redeem there.

Please write me at your early convenience, as I expect shortly to

have heard from all the banks, when I shall wish to prepare a circular, communicating to the deposit banks the arrangement.

One of the New Orleans Banks has agreed to redeem notes of any denomination whatever in New York, received in payment of public dues. I have no doubt but it will derive a great advantage by doing so, from the increase of circulation which that act will give them. I think that all the deposit banks would derive a similar advantage.

Very respectfully,

Your most obedient servant,  
R. M. WHITNEY.

J. M. RAY, Esq.

WASHINGTON, Aug. 14, 1835.

SIR—

I am this day favored with your letter of the 6th instant.

You observe "The Branch at Indianapolis has been very unexpectedly required by the Commercial Bank at Cincinnati, to transfer \$10,000 amount of draft of the Treasury, No. 922, to St. Louis," and furthermore, "It is submitted, that this is not in conformity with the spirit of the contract."

If you refer to the transfer draft, No. 922, you will find that it is made payable "to the agent of the Commercial Bank at St. Louis," and to be placed at the credit of the Treasurer in the books of that agency at that place. Consequently, the Commercial Bank at Cincinnati had not the power of changing its destination if it wished. It was the Treasury order, and not the order of the Commercial Bank, which required the payment to be made at St. Louis.

On looking over your agreements with the Treasury Department, I find the following under the 4th head: "The said bank agrees to pay out of deposits on hand, all warrants or drafts which may be drawn upon it by the Treasurer of the United States, and to transfer any portion of the deposits to any other bank or banks *employed by the Government*, within the states of Illinois, *Missouri*, and Kentucky, and the territory of Michigan, whenever the Secretary of the treasury may require it, *without charge to the Government* for transfer or difference of exchange," &c. I have given these particulars for the purpose of removing a misapprehension which you appear to have been led into. In a few days I expect to be able to communicate the completion of the arrangement in relation to the receipt of notes of other deposit banks in payment of public lands.

Your most obedient servant,  
R. M. WHITNEY.

JAMES M. RAY, Esq., *Cashier*.

WASHINGTON, Dec. 7, 1836.

DEAR SIR—

I should consider that I was remiss in discharging the duty which I owe to those banks which employ me to reside here—to attend to their interests, were I to remain inactive on the present occasion. You will have seen that the President, in his annual message to Congress of yesterday, in relation to the operation of the law of the last session of Congress regulating the deposite banks, says—it is believed that it “OPERATES ONEROUSLY AND UNJUSTLY UPON MANY OF THEM IN MANY RESPECTS.” He justly recommends a modification of that law, so as to remove such operation.

I believe that but few of the banks are aware what they are chargeable with under that law. I will explain: All sums, while *in transitu*, are chargeable with interest; for instance, a bank at New Orleans, which is required to transfer money to Boston, must pay interest upon it until it is placed to the credit of the treasury at that place, although it may be money transferred to New Orleans from St. Louis or Natchez. This is not all: the New Orleans bank must pay interest upon the money while in its possession, although it derives no use of it, but is employed in making preparations to transmit it to the point ordered. The same in cases where transfers are ordered from New York to North Carolina, South Carolina, Georgia, and Virginia. This must certainly be pronounced an “unjust” operation of the law.

What is considered an “onerous” part of the law, is the exaction of any interest at all. The Bank of the United States never paid any interest on the public depositories, and for ten years prior to 1833, they averaged eight millions of dollars. That institution rendered no greater service than the deposite banks do to the Government in performing the duties of disbursing agents. The services rendered in the way of transferring the public money from one place to another by the deposite banks are nearly four fold those rendered by the Bank of the United States in any one year; and that too by a small number of the deposite banks.

It is believed that the greatest sum ever transferred by the Bank of the United States in any one year was in 1832, amounting to \$16,000,000. During the year ending the 1st of October 1836, the transfers actually made and paid by the deposite banks amounted to \$39,319,894; and the amount transferred and paid between the first of October and the 6th of November was \$5,399,000, and the amount of transfer warrants outstanding at that date was \$14,450,000—making an aggregate of \$59,168,894. This, I venture to say, is without a precedent in any commercial country whatever. The transfers made by the Bank of the United States were generally between the Atlantic cities, or from the east to the west, in all of which cases, if there was not a profit growing out of making them, they were not attended with loss; while millions of the transfers made by the deposite banks have in an inverse direction, and have been attended by both a heavy loss and risk to the banks that have been called upon to make them.

It is a remarkable fact, which shows the ability of a small number

of the State Banks to perform all the fiscal duties of the government, that nearly all these transfers have been made by sixteen banks.

In the negotiation of domestic exchanges, the ability of the deposit banks to grant all and even greater facilities to the community, than were ever derived from the bank of the United States, is most fully demonstrated; and the contrast in the operations of a few of them, compared with those of the Bank of the United States, is not less striking than that in the transfers of the public money made by the two. The domestic exchange transactions of the Bank of the United States, and its twenty-five branches, were stated by Mr. Binney, in his speech in 1834, to be \$225,617,910. This embraced some items which I do not consider come legitimately within transactions which should be embraced under that head.

By returns which I have received from nineteen of the deposit banks, their transactions for the year ending the first of October last, embracing the same items of their operations as those included in Mr. Binney's statement, amounting in the aggregate to \$420,463,211. If the legitimate transactions of each were only stated, I believe that the contrast would be still greater.

The important services rendered to the government, in the various duties devolving upon a small number of the deposit banks, as well as the facilities granted the community by an almost equally small number, are fully appreciated here; nor will it be overlooked by those whose characters were staked upon the success of the measure; the faithful manner in which the original deposit banks executed the duties which they were required to perform, and the aid which was derived from them in carrying out successfully the "*experiment*" of employing state banks as the fiscal agents of the Government, in place of the Bank of the United States, amidst an opposition and warfare to defeat it, without a precedent in this country.

There is another fact which ought not to be forgotten; that in the transfers of the public money and the domestic bill transactions performed by the Bank of the United States, the whole was performed by one and the same institution, directed by the same head; while in the case of the deposit banks, the whole has been performed by separate and distinct institutions, each of which has been obliged to rely upon its own resources.

I know that both here and elsewhere, those who feel a desire for the success of the "*experiment*" of employing state banks as fiscal agents, have always been opposed to the tax of interest required under the deposit bill, and will both encourage a relinquishment of any interest which may have accrued already, but also to repeal the operation of the act for the future.

The services to the Government, and the facilities rendered the community, which I have already detailed, furnish strong grounds for such claim on the part of those banks which have performed them; but there are others which apply to nearly all, such as the aid given in carrying out the views of the administration in supplying a metallic currency under the acts of Congress, and also, in many instances, in

relinquishing the circulation of small notes, which was valuable to the Bank, and substituting the precious metals in their place.

It is my intention to exert myself to have a substitute at the present session, for the law of last session, free of objections; and also to obtain a repeal of that part of the latter requiring the payment of interest by the deposite banks, both retrospectively and prospectively.

It will aid me much if the directors of the various banks to whom I send this, will address letters to such members of each House as they may be acquainted with, impressing upon them the onerous duties which have been perform by the deposite banks; the injustice done many of them by the exaction of interest as the law is now construed, and the magnanimity which Congress would display by a total relinquishment of interest altogether, both past and for the future.

Another argument might be employed, but it would be impolitic to make use of it with members, which is this: that as soon as the sum in the treasury comes to be reduced by the operation of the deposite law, the banks which will be continued, will hardly find it an object to subject themselves to the expense of acting as fiscal agents, for the use of the small sum which each can have, even without paying any interest whatever. Before the close of next year, we must go back to as small a number of deposite banks as were employed prior to the passage of the deposite act; consequently, but with few exceptions, the newly selected banks will have to become as they were. All this part of the subject had better be promulgated here. It is my intention speedily to commence upon the subject; first by enlightening Congress in relation to the facts, of which I am sure most of the members are ignorant, and then proceed to carry through my object; and I hope I may receive all the support possible from those immediately interested, in the way I have pointed out.

I shall send this communication to very few of the banks not of the original selection, and I trust that all to whom I do send it will view it as one not to be made public, though not marked *confidential*.

Permit me to say, that no time should be lost in adopting such measures as may be considered expedient.

I would add one further suggestion, that in all cases where letters may be written upon this subject, a willingness be expressed to aid in future, to the full extent of the ability of the bank, as far as circumstances will permit, the carrying out of the measure of substituting a metallic for a paper medium within the limit fixed by the President, (20 dollars.)

I am, very respectfully,

Your most obedient servant,

R. M. WHITNEY.

To the cashier of the

State Bank of Indiana.

P. S. I shall be happy to learn what steps are taken by those to whom this will be addressed, as well as to receive instructions from those whose agent I am.



WASHINGTON, May 30, 1836.

SIR—

Acting for a large number of the deposite banks here, as corresponding agent, &c., I feel it to be my duty at all times to make such suggestions to them, in relation to that part of their business connected with the management of the public deposites, as it may seem to me will conduce to the interests of said institutions.

Under the influence of such obligations, and actuated by such motives, I make this communication.

The immense increase of the receipts from the sales of public lands, in a number of the states and territories during the past year, has imposed upon the deposite banks, in those states and territories, a new and onerous duty, *i. e.* that of transferring large sums of the public money from those places to the large Atlantic cities, where it is required for disbursement. This duty is required to be performed by the deposite banks, under their contracts with the treasury department, entered into, in most cases, so far as regards the banks in the places referred to, at a time when transfers of a similar character had not been required of the former fiscal agent of the government; or if so, to a very limited extent. In some places, it is known that transfers had to be made formerly, from the east to the west, for ordinary expenditures of the government; from which, millions of excess of revenue are now required to be transferred to the east; and this too, generally, while the rates of exchange are in favor of the east.

Notwithstanding the performance of these expensive duties for the government by the deposite banks, they have, up to this time, afforded much more extensive facilities to the community, in the receipt of the notes of other banks, on account of the public revenue, than ever the Bank of the United States did. The effect of the accommodation thus afforded by the deposite banks, so far as they were required to transfer the public money received by them in the notes of other banks, has been, that they have been compelled to redeem the amount of such notes in the places to which they were called upon to make such transfers. These transfers have mostly been required to be made either directly or circuitously to N. York or Philadelphia.

From New Orleans to St. Louis, and so in Michigan, the complaint is becoming general of both the difficulty and expense of obtaining eastern funds. There is no good reason that I can perceive, why this expense should, in addition to the other services rendered, fall upon the deposite banks; and that, too, to benefit the other Banks, by giving a more extended circulation to their paper.

The deposite Banks now are required to pay out every dollar of the public money received by them, if called for, in silver and gold; consequently, it is left with them to determine whether they will receive any thing else (excepting the notes of the Bank of the United States and Branches) for the public revenue paid into their hands; and if they do, it is for them to designate what the substitute shall be.

The substitutes for gold and silver which have, in many instances, been received by the deposit Banks, for the purpose of accommodation to the purchasers, in payment of public lands, have, in some instances, required thirty and forty days' time to convert into available funds to meet the treasury warrants. This the Banks have been enabled to do, by the length of time which could, from the large amount of money in the treasury, be granted after the receipt of the money, before it was called for, or required to be transferred or disbursed.

The various dispositions which will be made of the public money by Congress will, in my opinion, ere long, oblige the treasury department to call for the excess of receipts above the expenditures upon much shorter notice than has heretofore been given.

These considerations, collectively, induce me to suggest, and even to recommend, to all the deposit banks which receive deposits of the public money from the land receivers; to forthwith give them notice, that they will not, after the receipt of that notice, receive from them, and place at the credit of the treasury, any thing else than silver and gold, and the notes of such Banks as will redeem such notes as are received in payment of the public lands in the cities of N. York or Philadelphia.

This course appears to have become imperative upon some of the Banks, which have heretofore made transfers to New Orleans, from whence the amount has been transferred to the northern cities, from the fact, that for a number of months to come, there are but few northern bills to be had in New Orleans; and there is not now, as formerly, a specie fund to any amount to supply their place, as a remittance from that place.

Besides all these considerations, there is one other of a public nature, which is, that there cannot be a doubt but the circulation of bank notes has gone so far within the last few months as seriously to conflict with the public weal, and that the interest of the community will be promoted by discouraging, rather than by encouraging, a continuance of the present amount of that part of the circulating medium.

Any steps which you and any of the deposit Banks may take for carrying into effect the suggestions I have made, I feel confident will be approved by all sound financiers; and I am fully persuaded that their adoption will not only prove beneficial to the deposit Banks, by relieving them, in part, of an onerous duty, but will prove most salutary in its consequences to the public in general.

I give, with this, a list of the Banks which have agreed to redeem their notes in N. York and Philadelphia since my communication to you on the 29th of August last.

One fact, in regard to the transfers of the public money to the large Atlantic cities from other parts of the country, I mention from my own observation and inquiries. Almost all the public creditors, whether they reside in St. Louis, Detroit, Cincinnati, Louisville or Indiana, prefer warrants upon New York, rather than on the deposit banks in the places of their own residence.

I feel that I should omit a part of my duty to those who employ me, did I forbear stating most frankly, that in all my commercial and banking experience since the year 1816, I have never seen a period so analagous to the present as the year 1818; and I cannot but recommend to every prudent Bank, at once to make preparation for a similar state of things which followed those which existed in that year, by placing themselves in a state of great strength.

I see the most unequivocal evidences that the Banks in all quarters of the country have, during the last year, extended their business in a most imprudent and unwise degree; and it cannot be doubted that a reaction is now operating, which most probably will reach and affect every part of the country before it ceases.

I am, very respectfully,

Your most obedient servant,

R. M. WHITNEY.

The Cashier of the

State Bank of Indiana,

The following banks have communicated to me their arrangements for the redemption of their notes, as well as the notes which they will receive on deposit, since my communication of the 29th of August last:—

*Branch Bank of Alabama, Mobile.* This bank will redeem, at the Phoenix bank in New York, all of its notes which may be received in payment of public lands.

*Franklin Bank, Cincinnati.* This bank will redeem at the Bank of America, in N. York such of its notes of the denomination of fifty dollars and upwards as may be received on deposit from receivers in payment of public lands. It will receive on deposit, the notes of all the deposit and other good banks, which cause them to be redeemed in New York or Philadelphia.

*State Bank at Indianapolis, Indiana.* This bank will redeem its notes of the denominations of one hundred dollars and fifty dollars, received by the deposit banks through the land offices; and so certified, at the City bank in New York, on presentation.

*State Bank at Madison, Indiana.* This Bank will redeem at the Mechanics' Bank, in Philadelphia, any of its notes of fifty dollars and upwards, which may be received by any of the deposit banks from the land receivers. It will receive on deposit from such receivers the notes of all deposit and other good banks as will redeem the same in N. York or Philadelphia.

*Maine Bank, Portland.* This Bank redeems its notes, *unlimitedly*, at the Commonwealth Bank, in Boston. It receives on deposit, and in payment, the notes of all the Banks in New England in good credit.

*Commonwealth Bank, Boston.* The notes of this Bank are redeemed by the deposit Banks in New York, Philadelphia, Baltimore, Washington and Providence. It receives, for all commercial purposes, the notes of all the Banks in the New England States, and all the bills offered of every selected bank, and likewise the bills of all specie paying banks in Philadelphia, N. York, Baltimore, and Washington.

*Merchants' Bank, Boston.* The notes of this bank are redeemed in New York by the deposit banks. It redeems the notes of all the deposit banks north of Virginia, and the notes of all the other deposit banks, when offered in moderate amounts.

*Manhattan Bank, New York.* This bank receives the notes of the Bank of Virginia and branches, of the Bank of the Metropolis, of the Bank of Baltimore, the Gerard Bank; and from its customers reasonable amounts of the notes of the respectable banks in Philadelphia, Baltimore, and Boston; and also the notes of all good and solvent banks, not less than fifty dollars, which may have been received on account of the treasury of the United States.

*Moyamensing Bank, Philadelphia.* This bank will receive from all the deposit banks, the notes of any and all the deposit banks north and east of Philadelphia, which may have been received from the public land receivers of the denomination of fifty dollars and upwards.

*Arcade Bank, Providence.* This bank will receive in payment of all debts due the United States, the notes of all the deposit banks in New England, of the denomination of five dollars and upwards, and the notes of all other deposit banks which redeem their notes so received in the city of New York.

*Franklin Bank, Baltimore.* This bank will redeem any of its notes received in payment of the public revenue, in the city of New York, at the Phoenix Bank; and in Philadelphia at the Mechanics' or Moyamensing Banks. It will receive in payment of the public revenue, the notes of all good banks which are at par in New York.

## No. 5.

Mr. Ray, in a letter before us, purporting to be from Mr. Whitney, dated July 17, 1835, Mr. Whitney states that in pursuance of your request he sends you a copy of his circular; please state whether you made such request.

*Answer.* The first communication with Mr. Whitney and the State Bank of Indiana was the receipt unasked for, from him, of a tabular statement of the condition of the deposit banks, or something about these banks; with that, or another sent afterwards, was annexed a desire expressed by him, that if the State Bank wished these quarterly reports to be sent, we would be pleased to signify such wish by letter. As I thought it might be satisfactory to examine them, and the proposal being simply to permit him to send these reports, I thought I could do no less than say that I had no doubt it would be gratifying to us to receive them—and this reply is, I suppose, what he terms “a request” in the letter above referred to.

Mr. Whitney appeared in some way to stand between the deposit banks and the treasury department—from some of his communications being franked, and other circumstances, it seemed, it was to be understood, that Mr. Whitney was authorized to occupy such position—and Mr. Whitney appeared, from all his communications, to be anxious the State Bank of Indiana should distinctly understand, that he might be a

profitable medium of intercourse between it and the treasury department. Yet, as we had specific contracts, as to our deposit engagements, and definite time, until last July, secured as to length of notice according to the amount drawn, I could never see any legitimate principle on which Mr. Whitney could be employed to advance the interests of the Bank at Washington, and I was therefore at all times, and under every state of the case, opposed to any such employment.

JAMES M. RAY.

## No. 6.

*Interrogations to Mr. West.* Are you now in the employ of the General Government, and have you not been in such employ in various kinds of service every year for some time?

*Answer.* I am not now in the employ of the General Government, nor have I ever been except eleven days inspecting a land office at Fort Wayne, in August, 1836.

Mr. West answers further, that he was requested lately to proceed to Wisconsin on business—failed to go on—received no pay—asks none—and considers his mission at an end.

Are you a stockholder in the Branches of the State Bank of Indiana to the amount of \$10,000, or thereabouts?

*Answer.* In the Branch at Indianapolis I own, (I think), 175 shares. I own no stock in any other in the state.

Had you, or had you not, previously to your going to Washington last summer, heard any of the officers or any of the directors of any of the Branches complain of the pressure of the Treasury warrants, and transfer of the public deposits, on account of the short notices given, and their rapid succession?

*Answer.* Mr. Morris, cashier of the Branch Bank, requested me to speak to the Secretary of the Treasury about the shortness of the notices of his intention to draw upon the banks.

Did you, or did you not *interest* yourself at Washington last summer to procure further time and notice to be given in drawing transfer drafts, on the public deposits in the Branches of the State Bank?

*Answer.* I did, at the request of Mr. Morris, cashier of the Branch Bank at Indianapolis.

Did you, or did you not apply to Reuben M. Whitney at Washington last summer, to procure the favor above referred to for the Branches, or any Branch of the State Bank?

*Answer.* I did not. I applied to the Secretary of the Treasury.

Was, or was not said Whitney willing to bargain with the deposit Branches of the State Bank, or any one of them to attend to their said interests as above named, at Washington city, as their agent?

*Answer.* Mr. Whitney was willing to become an agent for the bank at Washington city for a consideration.

What was Mr. Whitney's price for securing the interests of the Branches, or any one of them as above?

*Answer.* I do not know.

Did you, or did you not express the opinion to any Branch or to its officers, that if they would employ Mr. Whitney as above, the transfer drafts would be less frequent and burdensome—and add that other banks had so employed Mr. Whitney, and found it to be to their interest?

*Answer.* I have not except one letter from Mr. Whitney growing out of the business entrusted to me by Mr. Morris, cashier of the Branch at Indianapolis, some months since.

Have you, or have not been in correspondence with Reuben M. Whitney relative to the State Bank of Indiana or any of its Branches?

*Answer.* I have not.

*West's examination—Questions by Mr. Colerick.* Do you know of any effort upon the part of any of the officers of the General Government to purchase the stock of any of the branches of the State Bank of Indiana? If so, state what branch and what officers of the Government.

*Answer.* I do not.

Do you know of any individual or individuals acting as agent for any Government officer in purchasing bank stock in this state? If so, who were they?

*Answer.* I do not.

The following message was received from the House of Representatives;

Mr. PRESIDENT—

The House of Representatives has passed, an engrossed bill there-of entitled,

No. 285—An act making specific appropriations for the year 1837, in which the concurrence of the Senate is requested.

The bill in the message mentioned, was read a first time, and

On motion, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Clark, it was referred to a committee of the whole and made the special order of the day for the present.

The committee having had the bill under consideration,

On motion, arose and Mr. Morgan reported, that the committee had made sundry amendments, and instructed him to ask the concurrence of the Senate.

The amendments were concurred in, and

On motion, considered as engrossed, the bill read a third time and passed.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives have passed a bill,

No. 395, entitled an act in relation to the compensation of members of the legislature, in which they ask the concurrence of the Senate.

The bill in the report mentioned, was read a 1st and 2d time, and On motion of Mr. Everts, indefinitely postponed.

On motion of Mr. Morgan, the bill authorizing the survey of a rail road from Rushville to Cambridge city, was taken up; and

On the question, shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Bell, Bradberry, Casey, Cole, Colerick, Daily, Dohson, Dumont, Dunning, Elliott, Everts, Ewing, Fowler, Hillis, Hoagland, Liston, Little, Milroy, Mitchell, Morgan, Smith, Stanford, Stewart, Thompson of P., Vawter and Walker—27.

*Those who voted in the negative are,*

Messrs. Beard, Brady, Chambers, Clark, Claypool, Collins, Crawford, Hackett, Hamilton, Kennedy, Moore, Sigler, Stafford, Turman, Thompson of L., Thompson of J., and Trask—17.

So the bill passed.

On motion of Mr. Cole, the bill to re locate the Fort Wayne and Indianapolis state road, was taken up, read a 3d time and passed.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have passed a bill,

No. 400, repealing a certain act therein named and for other purposes, to which the concurrence of the Senate is requested.

The bill in the message mentioned, was read a first time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with, the bill read a 2d and 3d time and passed.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The Speaker having signed engrossed bills of the Senate entitled as follows, to-wit:

An act to locate a state road therein named;

An act to incorporate the town of Greensburgh, Decatur county, Indiana;

An act to re-locate part of the state road leading from Noblesville in the county of Hamilton, to Andersontown in Madison county;

An act to incorporate the Indianapolis female institute;

An act to locate a state road from Aaron Finch's farm in White county via Spring creek ford to Delphi in Carroll county;

An act to appropriate a part of the three per cent fund for the purposes therein named;

An act to amend an act entitled an act to incorporate the Logansport and Eel river bridge company, app'd. Feb. 5, 1836;

An act to locate a state road from Hathway's mill in Pike county to intersect the state road leading from Petersburg in Pike county to Washington in Daviess county;

An act to locate a state road in Laporte county;

An act to authorize Andrew ——— build a mill dam at Barren's Island in the Wabash river;

An act to locate a state road from Blair's mill to Kraco;

An act to locate a state road in Laporte county;

Also a joint preamble and resolution of the Senate in relation to pre-emptions and pre-emption floats;

A joint resolution on the subject of the surplus revenue;

And the following of the House, to-wit:

No. 318—An act to incorporate the town of Cleaveland in Tippecanoe county;

No. 240—An act to authorize the guardian of the heirs of Edward Elliott, dec'd. to sell real estate therein named;

No. 375—An act to change the mode of doing county business in Johnson county;

No. 306—An act attaching the county of Newton to the county of Porter for judicial purposes;

No. 249—An act authorizing William McIlvain to build a mill dam across White river;

No. 50—An act to incorporate the Hartford steam mill and manufacturing company;

No. 391—An act to incorporate the New Amsterdam manufacturing company;

No. 186—An act to incorporate the Jeffersonville iron manufacturing company;

No. 293—An act to incorporate the Richmond trading and manufacturing company;

I am directed to bring them to the Senate for the signature of the president thereof.

The President having signed the engrossed bills in the message mentioned, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Sen-



ate that they have concurred in the amendment made by the Senate to the engrossed bills of the House, entitled as follows:

No. 328—to incorporate Eel river bridge company;

No. 135—to incorporate the Bloomfield and White river insurance company;

No. 62—to incorporate certain turnpike companies therein named;

No. 170—Amendatory of an act entitled an act to provide for a general system of internal improvement, app'd. Jan. 27, 1836;

They have also passed an engrossed bill of the Senate entitled,

An act to change the time of holding probate court in the county of Vigo, without amendment.

The following message was received from the House of Representatives:

MR. PRESIDENT—

I am directed to inform the Senate that the House of Representatives have concurred in the report of the committee of free conference on the part of the House, appointed to act with a similar committee on the part of the Senate to take into consideration the disagreement of the two houses in relation to the bill of the House

No. 233—An act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to by virtue of an act of Congress approved June 23, 1836.

The following message was received from the House of Representatives:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have concurred in the amendments made by the Senate to the engrossed bill of the House, entitled

No. 381—An act to repeal an act relative to county orders in the county of Parke, approved Feb. 6, 1836.

The following message was received from the House of Representatives.

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the House entitled,

No. 393, to authorize the sale of a certain school section in Lagrange county,

In which they ask the concurrence of the Senate.

The Speaker of the House of Representatives having signed enrolled bills of the Senate as follows:

An act to incorporate the Mount Vernon Insurance Company,

An act to appropriate the three per cent. fund in certain counties therein named;

Also, enrolled bills of the House of Representatives,  
 No. 56—An act to incorporate the Lawrenceburgh and Tanner Creek Bridge Company,

No. 184—An act to extend the Erie and Michigan Canal,

No. 268—An act to vacate a part of a certain state road and to relocate apart of another state road in the county of Vermillion,

No. 333—An act appropriating a part of the 3 per cent fund in the counties therein named, and for other purposes,

No. 288—An act authorizing the school commissioners to draw from the state treasury certain moneys therein named,

No. 290—An act for the establishment of titles to lots in the town of Merom, Sullivan county,

No. 262—An act to drain the swamps and low lands north-east of Indianapolis,

No. 69—An act appropriating a portion of the 3 per cent fund due Hancock county, and for other purposes,

No. 292—An act amendatory of an act entitled an act to amend the charter and define the powers and duties of the President and Trustees of the town of Evansville, approved Feb. 8, 1836.

Bill No. 393, in the message mentioned, was read a first time, and

On motion of Mr. Crawford, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

The President having signed the enrolled bills in the message mentioned, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate, without amendment entitled as follows:

An act to re-locate the seat of justice in the county of Noble,

An act to incorporate the town of Shelbyville in Shelby county,

An act to change the times of holding the circuit courts in the 7th judicial circuit,

No. 77—An act to amend an act entitled an act for the incorporation of public libraries, approved Dec. 17, 1816,

No. 75—An act declaring a certain road therein named, a state road,

An act to amend an act entitled an act to incorporate the Turkey plain manufacturing company,

An act declaring Banbango creek a public highway,

A joint resolution relative to the acts of Congress now on file in the office of the Secretary of State,

An act to authorize the location of a state road from Rochester in Fulton county, to Monticello in White county,

An act to amend an act entitled an act to provide for a general system of internal improvements, approved January 27, 1836:

They have also passed engrossed bills of the House entitled as follows:

No. 335—An act to amend an act entitled an act to provide for an equitable mode of levying taxes in this state, app'd. Feb. 8, 1836;

No. 344—An act to establish a certain state road therein named;

No. 394—An act to incorporate the Saint Mary's bridge company; In which the concurrence of the Senate is requested.

The House of Representatives has concurred in the amendment of the Senate, to the amendment of the House, to the bill of the Senate entitled,

An act to establish a state road therein named;

And also they have concurred in the Senate's amendment to the engrossed joint resolution of the House,

No. 289—A joint resolution providing for the election of a public printer to each house of the General Assembly and fixing the prices and compensation of said officers;

Bill No. 335, in the message mentioned, was read a first time, and

On motion of Mr. Claypool, the rules of the Senate were dispensed with, the bill read a 2d and 3d time and passed.

Bill No. 344, in the message mentioned, was read a first time and

On motion of Mr. Claypool, the rules of the Senate were dispensed with, the bill read a 2d and 3d time and passed.

Bill No. 394, in the message mentioned, was read a first time, and

On motion of Mr. Colerick, the rules of the Senate were dispensed with, the bill read a 2d and 3d time and passed.

Mr. Kennedy made the following report:

Mr. PRESIDENT—

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills, of the following titles, to wit:

An act to incorporate the Delphi Insurance company,

An act to incorporate the Crawford county Blue river bridge company,

And find the same truly enrolled.

On motion of Mr. Thompson of P., the bill regulating the practice in chancery, was taken up, read a third time, and failed on the final passage.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the Senate entitled an act to fix the pay of fund commissioners, with an amendment, in which they ask the concurrence of the Senate.

The House insist on their amendment to the amendment of the Senate to the engrossed bill of the House of Representatives,

No. 269—an act to provide for the erection of a bridge over the West fork of Whitewater river, and Messrs. Crume and Watt are appointed a committee of free conference of the part of the House of Representatives to confer with a similar committee to be appointed on the part of the Senate in relation to the disagreement of the two houses on said bill:

The House of Representatives has also passed an engrossed bill of the Senate entitled an act for the relief of James Warren, without amendment.

On motion, the Senate concurred in the amendments of the House to the bill of the Senate entitled an act to fix the pay of fund commissioners.

On motion of Mr. Claypool, the Senate insisted on its disagreement to the amendment of the House to the bill of the Senate entitled an act to provide for the erection of a bridge over the West Fork of White Water river;

And Messrs. Claypool and Morgan were appointed a committee of free conference on the part of the Senate.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the House entitled

No. 397—An act regulating the practice of law in suits instituted for relief of certain persons injured by destruction of the docket and papers of Isaac Wilcox, a justice of the peace.

In which the concurrence of the Senate is requested.

They have also passed an engrossed bill of the Senate entitled an act relative to evidence; without amendment.

The bill in the message mentioned, No. 397, was read a first time, and

On motion of Mr. Little, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill entitled

No. 396—An act for the relief of Zachariah Nicholson;

In which the concurrence of the Senate is requested.

The bill in the message mentioned was read a first time, and

On motion of Mr. Little, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

On motion of Mr. Milroy, the bill to divorce Amanda M. Smith was taken up, read a third time,

And on the question shall it pass?

*Those who voted in the affirmative are,*

Messrs. Bell, Bradberry, Brady, Casey, Chambers, Claypool, Cole, Daily, Dunning, Elliott, Everts, Ewing, Hackett, Hoagland, Milroy, Moore, Morgan, Sigler, Smith, Stewart, Turman, Vawter and Walker—23.

*And those who voted in the negative are,*

Messrs. Clark, Colerick, Crawford, Dumont, Fowler, Liston, Little, Mitchell, Thompson of L., and Thompson of J.—10.

So said bill passed

Mr. Claypool made the following report:

Mr. PRESIDENT—

The committee of free conference to whom was referred the subject matter of difference between the two Houses relative to the non-concurrence of the House, to the amendment of the Senate, made to the bill of the House, to provide for the erection of a bridge over the West Fork of White Water river, at Connersville, have examined the matter of difference, and have agreed that the House of Representatives recede from their disagreement to the amendment of the Senate, to which they ask the concurrence of the Senate, and ask to be discharged, &c.

The report was concurred in and the committee discharged.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives have concurred in all the amendments of the Senate to the engrossed bill of the House entitled

No. 285—An act making specific appropriations for the year 1837, except the fourth, which they have concurred in with an amendment, in which they ask the concurrence of the Senate.

The amendments to the bill in the message mentioned was concurred in.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the Senate entitled

An act to incorporate the Carmel steam mill company, with an amendment,

In which the concurrence of the Senate is requested.

The amendments to the bill in the message mentioned was concurred in.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the Senate entitled

No. 39—An act to incorporate the Eel river steam mill company, without amendment.

They have also passed engrossed bills of the House of Representatives entitled as follows:

No. 140—A bill amendatory of the act entitled an act for the prevention of fraud and perjuries, approved Jan. 24, 1831; and

No. 399—An act authorizing an exchange of certain grounds between the town and state;

In which the concurrence of the Senate is requested.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the House entitled

No. 401—An act to locate a state road from Springfield, in Lawrence county, to Emanuel Hatfield's, in Greene county;

In which the concurrence of the Senate is requested.

The bill in the message mentioned was read a first time, and

On motion, the rules of the Senate were dispensed with, the bill read a second and third time and passed.

The bill in the message mentioned, No. 140, was read a 1st time, and

On motion of Mr. Thompson of P., the rules of the Senate were dispensed with, the bill read a second time and laid on the table.

The bill in the message mentioned, No. 399, was read a 1st time, &

On motion of Mr. Morgan, the rules of the Senate were dispensed with, the bill read a second time, and

On motion of Mr. Brady, the rules of the Senate were dispensed with, the bill read a third time and passed.

On motion of Mr. Brady, the bill for the relief of Charles Woodard was taken up, read a third time and passed.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has concurred in the 1st, and refused to concur in the second amendment of the Senate, to the engrossed bill of the House,

No. 48—An act for an equal distribution of the 3 per cent fund.

The House of Representatives has passed engrossed bills of the Senate, entitled as follows, viz:

An act to locate a state road therein named;

An act to incorporate the Patriot turnpike company;

An act to incorporate the trustees of the New Albany seminary;

An act to amend an act entitled an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, app'd. Feb. 10, 1831;

An act to establish the state roads therein named;

An act to incorporate the Laurel academy; and

An act to re-locate a certain road therein named, each without amendment.

They have also passed an engrossed bill of the House of Representatives, entitled

No. 391—An act to locate a state road from Iseley's mills to intersect the state road from Lafayette to the state line in the direction towards Chicago;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the following titles of the House,

No. 42—An act to legalize the proceedings of the probate court of Dearborn county,

No. 255—An act to locate a part of the Richmond and Fort Wayne state road,

No. 282—An act relative to the Tippecanoe battle ground; and

No. 315—An act distributing the three per cent fund belonging to Parke county,

I am directed to bring them to the Senate for the signature of the president thereof.

The President having signed the engrossed bills in the message mentioned, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representative has passed engrossed bills of the Senate, entitled as follows, viz:

An act to amend an act entitled an act to incorporate the Logansport and Eel river bridge company, approved, Feb. 5, 1836,

No. 62—An act to locate a state road in Laporte county,

No. 63—An act to incorporate the Indianapolis female institute;  
An act to preserve the fire engine at Indianapolis, and

An act legalizing an election for the sale of the 16th section, in congressional township No. 3, north of range No. 2 west, in Lawrence county, each without amendment.

They have also passed an engrossed joint resolution of the House, entitled as follows, to-wit:

No. 374—A joint resolution to amend and explain a joint resolution passed and approved at the present session of the General Assembly aforesaid, entitled, a joint resolution relative to officers of the State Bank and Branches;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives, entitled as follows, viz:

No. 24—An act to incorporate the Eel river and Michigan road company;

No. 29—An act to incorporate the Madison and Lawrenceburgh hotel company;

No. 41—An act legalizing the assessment of the revenue in the county of Martin;

No. 212—An act to amend the several acts regulating the mode of doing county business in the county of Martin;

No. 242—An act to increase the capital stock of the Lawrenceburgh bridge company;

No. 254—An act to authorize the road commissioner of Fulton county to loan the three per cent. fund of said county;

No. 256—An act to locate a state road in the county of Bartholomew, from Hope via Joseph Cox's and Thomas Bunnell's, to Columbus;

No. 270—An act to amend an act entitled an act to incorporate the Wayne and Union turnpike road company, and to incorporate the Richmond and Muncietown turnpike road company;

No. 271—An act authorizing the relocation of a certain state road in Hancock county;

I am directed to bring them to the Senate for the signature of the President thereof.

The President of the Senate having signed the enrolled bills in the message, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the H. of Representatives:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the Senate, and of the House of Representatives, entitled

An act authorizing certain persons therein named to erect a dam across the East Fork of White river, in Lawrence county;

An act to establish a state road therein named;



An act to amend an act entitled an act to provide for an equitable mode of levying taxes of this state, approved February 8, 1836;

An act amendatory of the several acts regulating writs of foreign and domestic attachment;

An act to amend the 34th section of an act relative to crimes and punishments, approved February 10, 1831;

No. 330—An act for the relief of David Milburn and others;

No. 298—An act to incorporate the Brownstown insurance company;

No. 312—An act to incorporate the Lafayette and Michigan City turnpike company;

No. 265—An act to incorporate the Fountain county insurance company, the Williamsport Warren county insurance company, and the Rockville Park county insurance company;

No. 31—An act to regulate the disbursement of the three per cent. fund in the unorganized counties;

No. 373—An act to authorize James Alexander, former collector of Monroe county, yet to collect any taxes remaining due and unpaid in said county for the year or years for which said Alexander was collector;

No. 154—An act to alter the boundary lines of the counties of Carroll and White;

No. 107—An act to incorporate the Evansville manufacturing and dry dock company;

No. 258—An act appropriating the three per cent. fund of Dearborn county;

No. 296—A joint resolution respecting Blackford's Reports;

No. 329—An act for the relief of the collector of Cass county, for 1836;

No. 289—A joint resolution providing for the election of a public printer to each House of the General Assembly, and fixing the prices and compensation of said officers;

No. 374—A joint resolution to amend and explain a joint resolution passed and approved at the present session of the General Assembly aforesaid, entitled a joint resolution relative to officers of State Bank and Branches;

No. 350—An act to provide for the construction of a bridge over the East Fork of White Water river, as Brownsville;

No. 392—An act to appropriate the unappropriated balance of the three per cent. fund appropriated to the county of Orange;

No. 385—An act to authorize the board of internal improvement to sell certain reserved lands;

No. 324—An act appropriating a part of the three per cent. fund hereafter coming to Vigo county, to the construction of a certain bridge therein named;

No. 172—An act to incorporate a company to build a bridge over White river at Noblesville;

No. 148—An act to incorporate the Indianapolis master carpenters' and joiners' association;

No. 181—An act to incorporate the Vincennes and Terre-Haute turnpike company;

An act relative to evidence;

An act to incorporate the the Crawfordsville and Terre-Haute turnpike company;

An act to incorporate the Patriot turnpike company;

An act to incorporate the trustees of the New Albany seminary;

An act to re-locate a certain state road therein named;

An act to incorporate the Laurel academy;

An act to establish the state road therein mentioned;

An act to amend the act entitled an act to provide for a general system of internal improvement, approved January 27, 1836;

An act to change the times of holding the circuit courts in the seventh judicial circuit;

An act to amend an act entitled an act incorporating public libraries, approved December 16, 1816;

An act to locate a state road from Andersonstown in the county of Madison, to Knightstown in Henry county,

An act authorizing the funding of the 3 per cent fund belonging to Sullivan county,

An act to provide for the settlement of the accounts of commissioners of the 3 per cent fund in the several counties,

An act to locate a state road therein named,

An act to incorporate the Indianapolis and Michigan City Rail Road Company,

No. 83—An act to incorporate the Mount Carmel and New Albany Rail road Company,

No 80—An act to change the mode of doing county business in the county of Huntington,

No. 381—An act to repeal an act relative to county orders in the county of Parke, approved February 6, 1836,

No. 319—An act to establish a state road from Napoleon in Ripley county, to Vernon in the county of Jennings,

An act to incorporate the Crawford county Blue river Bridge company,

An act to incorporate the Delphi Insurance Company.

The House of Representatives has concurred in the amendments of the Senate to the engrossed bill of the House of Representatives,

No. 336—An act relating to state roads.

The President having signed the engrossed bill in the message mentioned, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House of Representatives has concurred in the amendment of the Senate to the amendment of the House to the engrossed bill of the Senate entitled,

An act to establish certain state roads therein named.

The following message was read from the House of Representatives:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have concurred in the report of the committee of free conference on the disagreement of the two Houses to the amendment of the Senate to the amendment of the House to the bill of the House No. 269, to provide for the erection of a bridge over the West fork of Whitewater river at Connersville.

On motion of Mr. Clark,

*Resolved*, That when the Senate adjourns, it will adjourn to meet this evening at half past six o'clock.

On motion, Senate adjourned.

6 o'clock P. M.

The Senate assembled.

Mr. Liston moved to reconsider the vote taken on the passage of the bill regulating the practice in chancery; and on the question, Shall the vote be reconsidered,

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Collins, Daily, Dumont, Dunning, Ewing, Hackett, Liston, Mitchell, Sigler, Smith, Stafford, Stanford, and Thompson of P.,—15.

*And those who voted in the negative are,*

Messrs. Bell, Brady, Casey, Clark, Claypool, Cole, Dobson, Elliott, Fowler, Hillis, Kennedy, Little, Milroy, Morgan, Stewart, Thompson of L., Thompson J., Trask, Vawter and Walker—12.

So the vote was not reconsidered.

On motion of Mr. Thompson of P., the bill entitled an act for an equal distribution of the 3 per cent fund, was taken up, and on motion of the same gentleman the Senate receded from their amendment.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill thereof entitled

No. 402—An act declaring the acts passed at the present session of the General Assembly, making general and special appropriations for the year 1837, to take effect from and after their passage,

In which the concurrence of Senate is requested.

The bill was read a first time, and

On motion of Mr. Dunning, the rules were dispensed with, and the bill was read the 2d and 3d times and passed.

Mr. Clark made the following report:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred the petition of Elijah Dawson and others, citizens of Marion county, praying an amendment to the act providing for a general system of internal improvement, have considered the same and have directed me to report that in their opinion, legislation in reference thereto, is inexpedient, and they ask to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Morgan moved to dispense with the previous orders of the day, and take up a bill providing for the survey of a turnpike road from Mauksport through Corydon to Salem, which was agreed to.

Mr. Dobson moved to amend the bill by adding "from Salem in Washington county, to Napoleon in Repley county; which was not agreed to.

Mr. Stanford moved to refer the bill to the committee on canals and internal improvements; which was not agreed to.

The bill was then read a third time, and on the question,  
Shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Casey, Clark, Daily, Dobson, Dumont, Elliott, Ewing, Fowler, Hackett, Hillis, Hoagland, Liston, Milroy, Mitchell, Morgan, Smith, Stewart, Thompson of P., Thompson of L., and Walker—20.

*Those who voted in the negative are,*

Messrs. Beard, Bell, Bradberry, Brady, Claypool, Cole, Collins, Crawford, Kennedy, Sigler, Stafford, Stanford, Turman, Thompson of J., and Trask—15.

So the bill passed.

The following message was received from the House of Representatives:

MR. PRESIDENT—

The House of Representatives have passed a joint resolution for the benefit of the Lutheran denomination of Christians in the town of Indianapolis and its vicinage, to which they respectfully request the concurrence of the Senate.

The joint resolution in the message was read a first time, and

On motion of Kennedy, the rules of the Senate were dispensed with, and the resolution was read the 2d and 3d times and passed.

Mr. Ewing moved to take from the table a bill for the organization and discipline of the militia, and

On the question, shall said bill be taken up?

*Those who voted in the affirmative are,*

Messrs. Beard, Bell, Casey, Chambers, Cole, Colerick, Crawford, Daily, Dobson, Dumont, Ewing, Fowler, Hackett, Liston, Milroy, Moore, Smith, Stanford, Stewart, Turman, Thompson of P., Thompson of J., and Walker—24.

*Those who voted in the negative are,*

Messrs. Bradberry, Brady, Clark, Claypool, Collins, Dunning, Elliott, Hillis, Hoagland, Kennedy, Little, Mitchell, Sigler, Stafford, Thompson of L., Trask and Vawter—17.

So the bill was taken up.

Mr. Morgan moved to amend the bill as follows:

Strike out that part which requires the enrolling of the conscientious, and insert:

*Provided however,* That all persons conscientiously scrupulous of bearing arms, who are not disqualified by age nor infirmity, shall be and are hereby, declared and constituted a part of the sedentary militia, any thing in this act to the contrary notwithstanding.

Mr. Kennedy moved to indefinitely postpone the bill; and

On the question, shall the bill be indefinitely postponed?

*Those who voted in the affirmative are,*

Messrs. Bradberry, Clark, Claypool, Cole, Elliott, Hillis, Hoagland, Kennedy, Little, Mitchell, Sigler, Stafford, Trask and Vawter—14.

*And those who voted in the negative are,*

Messrs. Beard, Brady, Casey, Chambers, Colerick, Crawford, Daily, Dobson, Dumont, Dunning, Ewing, Hackett, Liston, Milroy, Moore, Morgan, Smith, Stanford, Stewart, Turman, Thompson of P., Thompson of L., Thompson of J., and Walker—25.

So the bill was not indefinitely postponed.

The question then recurring on the amendment proposed by Mr. Morgan, a division of the question being called for, and the question being on striking out,

*Those who voted in the affirmative are,*

Messrs. Beard, Bradberry, Brady, Chambers, Clark, Colerick, Dumont, Elliott, Ewing, Fowler, Hackett, Hillis, Hoagland, Kennedy, Liston, Little, Milroy, Mitchell, Morgan, Stafford, Stanford, Turman,

Thompson of P., Thompson of L., Thompson of J., Vawter and Walker—27.

*And those who voted in the negative are,*

Messrs. Casey, Claypool, Cole, Crawford, Dobson, Dumont, Sigler, Smith, and Stewart—9.

So it was stricken out, and the amendment was then adopted by consent.

Mr. Sigler moved to amend the bill so as to exempt all persons over 30 years of age from military duty;

Which was not agreed to.

Mr. Clark moved to dispense with the rules and read the bill the third time, and

On the question, shall the rules be dispensed with?

*Those who voted in the affirmative are,*

Messrs. Beard, Brady, Casey, Chambers, Clark, Colerick, Daily, Dobson, Dumont, Ewing, Fowler, Hackett, Hillis, Kennedy, Liston, Milroy, Moore, Morgan, Stafford, Stanford, Stewart, Turman, Thompson of L., Thompson of J., and Walker—25.

*And those who voted in the negative are,*

Messrs. Bradberry Claypool, Crawford, Elliott, Hoagland, Little, Sigler, Smith, Trask and Vawter—10.

So the rules were dispensed with, and

On the question shall the bill pass?

*Those who voted in the affirmative are,*

Messrs. Beard, Brady, Casey, Chambers, Clark, Colerick, Daily, Dobson, Dumont, Ewing, Fowler, Hackett, Hillis, Kennedy, Liston, Milroy, Mitchell, Morgan, Stanford, Stewart, Turman, Thompson of L., Thompson of J., and Walker—24.

*And those who voted in the negative are,*

Messrs. Bell, Bradberry, Claypool, Cole, Crawford, Elliott, Hoagland, Little, Sigler, Stafford, and Trask—11.

To the bill passed.

The following message was received from the Governor, by Mr. Maquire his private Secretary:

Mr. PRESIDENT—

The Governor has approved and signed acts, which originated in the Senate, entitled as follows, viz:

An act to amend an act entitled an act to incorporate the Perrysville and Danville rail road company,

An act to locate a state road in Laporte county;

An act to authorize Andrew Waymire to build a mill dam at Baren's Island in the Wabash river;

An act to locate a state road therein named;

An act to locate a state road from Hathway's mill in Pike county to intersect the state road leading from Petersburg in Pike county to Washington in Daviess county;

An act to locate a state road from Blair's mill to Kraco;

An act to amend an act entitled an act to incorporate the Logansport and Eel river bridge company, app'd. Feb. 5, 1836;

An act to re-locate part of the state road leading from Noblesville in the county of Hamilton, to Andersontown in Madison county;

An act to locate a state road from Aaron Finch's farm in White county via Spring creek ford to Delphi in Carroll county;

An act to appropriate a part of the three per cent fund for the purposes therein named;

Also a joint preamble and resolution of the Senate in relation to pre-emptions and pre-emption floats; and also

A joint resolution on the subject of the surplus revenue;

Mr. Clark offered the following resolution, which was adopted:

*Resolved*, That when the Senate adjourns, it will adjourn to meet on Monday morning at 6 o'clock.

Mr. PRESIDENT—

The Speaker having signed the enrolled bills of the Senate and House of Representatives, entitled as follows, to-wit:

An act to incorporate the Liverpool bridge company,

An act to incorporate the Laurel savings institution and insurance company,

An act to re-locate the seat of justice in the county of Noble,

An act to change the time of holding probate courts in the county of Vigo,

An act for the relief of James Warren,

An act declaring Banbango creek a public highway,

An act declaring a certain county road a state road and appropriating a part of the three per cent fund belonging to the county of Vermillion to improve the same,

An act to ratify and confirm an act of the legislature of the state of Ohio, incorporating a company to construct a rail road from Piqua in the state of Ohio, to Fort Wayne in the state of Indiana,

An act to amend an act entitled an act to incorporate the Turkey Plain manufacturing company,

An act to amend an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators, and guardians, app'd. Feb. 10, 1831,

- An act to incorporate the town of Shelbyville in Shelby county,
- An act to authorize the location of a state road from Rochester in Fulton county, to Monticello in White county,
- An act to amend an act entitled an act to incorporate the Buffalo and Mississippi rail road company, app'd. Dec. 5, 1835,
- An act to incorporate the New Albany hotel company,
- An act to preserve the fire engine at Indianapolis,
- An act declaring a certain road therein named a state road,
- An act to incorporate certain turnpike companies therein named.
- No. 170—Amendatory of an act entitled an act to provide for a general system of internal improvement, app'd. Jan. 27, 1836;
- An act to authorize the change of venue in certain cases therein named.
- An act to extend the powers of the president and trustees of the town of Crawfordsville in Montgomery county,
- An act to amend an act subjecting real and personal estate to execution, app'd. Feb. 4, 1831,
- An act to authorize the sale of a certain school section in Lagrange county,
- An act to incorporate the Philomath turnpike company,
- An act granting to the citizens of Madison and Lawrenceburgh a city charter, and
- A joint resolution on the subject of revising the laws,
- The signature of the President of the Senate is respectfully requested thereto.

Mr. Vawter made the following report:

- The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the following titles, to-wit:
- No. 35—An act to incorporate the Milton savings institution,
  - No. 304—An act incorporating the Evansville trust company,
  - No. 383—An act to incorporate Michigan city and St. Joseph rail road company,
- And find the same truly enrolled.
- The Senate adjourned.

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MONDAY, FEBRUARY 6, 1837.

Senate assembled.

Mr. Vawter from the committee on enrolled bills made the following report:



Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared enrolled with the engrossed bills of the Senate of the following titles, to-wit:

- An act to fix the pay of the fund commissioners;
- An act to locate a state road from Shelbyville in Shelby co., to Columbus, in Bartholomew county;
- An act to incorporate the Eel river steam mill company;
- An act to establish certain state roads therein named;

Bills of the House of Representatives:

An act to relocate a part of the Fort Wayne and Indianapolis state road, and for other purposes:

An act authorizing the exchange of certain grounds in Indianapolis, between the town and state;

An act for the relief of Charles Woodward, collector of Jefferson co;

An act for the equal distribution of the three per cent. fund;

An act to provide for a geological survey of the state of Indiana;

An act regulating the practice of law in suits in chancery instituted for the relief of certain persons injured by the destruction of the dock-et and papers of Isaac Wilcox, a justice of the peace;

☞ An act to incorporate the St. Marys bridge company;

An act to locate a state road from Isley's mills to intersect the state road from Lafayette to the state line in the direction towards Chicago;

An act to amend an act entitled an act to provide for an equitable mode of levying taxes in this state, approved February 8, 1836;

An act to confirm the re-survey of the town of Attica, in Fountain county;

An act to provide for a justice of the peace in West Point, Tippecanoe county;

A joint resolution of the General Assembly of the State of Indiana, for the benefit of the Lutheran denomination of Christians in the town of Indianapolis and its vicinage;

An act supplemental to an act entitled an act to apportion the three per cent. fund amongst the several counties in this state, and appropriating two hundred dollars on the state road from Owensville to the mouth of Potoka;

An act to incorporate the Lawrenceburgh savings institution;

An act incorporating the Carmel steam mill and manufacturing co;

No. 402—An act declaring the acts passed at the present session making general and specific appropriations for the year 1837, to take effect from and after their passage;

No. 135—An act to incorporate the Bloomfield and White river insurance company;

No. 328—An act to incorporate Eel river bridge company;

No. 285—An act making specific appropriations for the year 1837,

No. 313—An act to incorporate the Hudson and New Buffalo road company;

- No. 244—An act to divorce Amanda M. Smith:  
 No. 401—An act to locate a state road from Springville in Lawrence county, to Emanuel Hatfield's, in Greene county:  
 No. 400—An act repealing a certain act therein named, and for other purposes:  
 No. 344—An act to establish a certain state road therein named:  
 No. 396—An act for the relief of Zachariah Nicholson:  
 No. 246—An act to amend an act entitled an act to incorporate Michigan City, approved February 8, 1836:  
 No. 165—An act for the preservation of the State House, and for other purposes:  
 No. 343—An act to incorporate the Indianapolis, Lebanon, and Lafayette turnpike company:  
 No. 280—An act to incorporate the Peru, Mexico and Rochester turnpike company:  
 No. 336—An act relative to state roads:  
 An act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and received by virtue of an act of Congress, approved June 23, 1836.  
 Also, an act to incorporate the town of Greenfield, Hancock co;  
 And find the same truly enrolled.

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature, bills of the following titles, viz:

- An act to change the time of holding courts in the county of Vigo,  
 An act for the relief of James Warren,  
 An act to locate a state road from Shelbyville in Shelby county to Columbus in Bartholomew county,  
 An act to incorporate the Laurel savings institution and insurance company,  
 An act to incorporate the Liverpool bridge company,  
 An act declaring a certain road therein named a state road,  
 An act to amend an act entitled an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, app'd. Feb. 10, 1831,  
 An act to preserve the fire engine at Indianapolis,  
 An act authorizing the location of a state road from Rochester in Fulton county to Monticello in White county,  
 An act to incorporate the town of Shelbyville in Shelby county,  
 An act to amend an act entitled an act to incorporate the Turkey Plain manufacturing company,  
 An act to ratify and confirm an act of the legislature of Ohio incorporating a company to construct a rail road from Piqua in the state of Ohio to Fort Wayne in the state of Indiana,  
 An act to incorporate the New Albany hotel company,  
 An act declaring Banbango creek a public highway,  
 An act to amend an act entitled an act to incorporate the Buffalo and Mississippi rail road company, app'd. Feb. 6, 1835,

**Bills of the House of Representatives,**

An act granting to the citizens of Madison and Lawrenceburgh a city charter,

An act to amend an act subjecting real and personal estate to execution, app'd. Feb. 4, 1831,

An act to extend the powers of the president and trustees of the corporation of the town of Crawfordsville in Montgomery county,

An act to authorize a change of venue in a certain case therein named,

A joint resolution on the subject of revising the laws,

An act to authorize the sale of a certain school section in Lagrange county,

An act to incorporate the Philomath turnpike company,

An act amendatory of an act to provide for a general system of internal improvement, app'd. Jan. 27, 1836,

An act to incorporate certain turnpike companies therein named;

An act declaring a certain county road a state road, and appropriating a part of the 3 per cent fund belonging to the county of Vermillion to improve the same,

An act for the equal distribution of the 3 per cent fund,

An act to provide for a geological survey of the State of Indiana,

An act regulating the practice at law in suits in chancery instituted for the relief of certain persons injured by the destruction of the docket and papers of Isaac Wilcox, a justice of the peace,

An act to incorporate the St. Mary's bridge company,

An act to locate a state road from Iseley's mills, to intersect the state road from Lafayette to the state line in the direction to Chicago,

An act to amend an act entitled an act to provide for an equitable mode of levying the taxes in this state app'd. Feb. 10, 1836,

An act to confirm the re-survey of the town of Attica in Fountain county,

An act to provide for a justice of the peace in West Point, Tippecanoe county,

A joint resolution of the General Assembly of the state of Indiana, for the benefit of the Lutheran denomination of Christians in the town of Indianapolis and vicinage,

An act supplemental to an act entitled an act to appropriate the 3 per cent fund among the several counties in this state and appropriating two hundred dollars on the state road from Owensville to the mouth of Patoka,

An act to incorporate the Lawrenceburgh savings institution,

An act incorporating the Carmel steam mill and manufacturing company,

An act to re-locate the seat of justice in Noble county,

An act for the formation of a school district in Marion and Shelby counties,

An act to incorporate the Michigan City and St. Joseph rail road company

- An act to incorporate the Evansville trust company
- An act to incorporate the Hendricks county seminary,
- An act to incorporate the Milton savings institution,
- An act to locate a state road from Greenfield in Hancock county to Franklin in Johnson county,
- An act to amend an act entitled an act to establish a state library, app'd. Feb. 10, 1831,
- An act making general appropriations for the year one thousand eight hundred and thirty-seven,
- An act to provide for the erection of a bridge over the West fork of White-water at Connersville,
- An act to fix the pay of the fund commissioners,
- An act to locate a state road from Shelbyville in Shelby county, to Columbus in Bartholomew county,
- An act to incorporate the Eel river steam mill company,
- An act to establish certain state roads therein named,
- An act to relocate a part of the Fort Wayne and Indianapolis state road, and for other purposes,
- An act authorizing an exchange of certain grounds in Indianapolis, between the town and state,
- An act for the relief of Charles Woodward, collector of Jefferson county,
- An act declaring the acts passed at the present session, making general and specific appropriations for the year 1837, to take effect from and after their passage,
- An act to incorporate the Bloomington and White river insurance company,
- An act to incorporate the Eel river bridge company,
- No. 285—An act making specific appropriations for the year 1837,
- An act to incorporate the Hudson and New Buffalo rail road company,
- An act to divorce Amanda M. Smith,
- An act to locate a state road from Springville in Lawrence county, to Emanuel Hatfields in Greene county,
- An act for the relief of Zachariah Nicholson,
- An act to establish a certain state road therein named,
- An act repealing a certain act therein named, and for other purposes,
- No. 165—An act for the preservation of the State House,
- No. 280—An act to incorporate the Peru, Mexico, and Rochester turnpike company,
- No. 343—An act to incorporate the Indianapolis, Lebanon, and Lafayette turnpike company,
- No. 336—An act relative to state roads,
- An act to provide for the distribution of so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836;
- Also, An act to incorporate the town of Greenfield in Hancock county.

The joint committee on enrolled bills report, that they did this day present to His Excellency the Governor, for his approval and signature, bills of the following titles, viz:

An act for the preservation of the State House, and for other purposes;

An act to incorporate the Indianapolis, Lebanon, and Lafayette turnpike company;

An act to incorporate the Peru and Rochester turnpike company;

The following message was received from the Governor by Mr. Maguire his private secretary:

Mr. PRESIDENT—

The Governor has approved and signed acts entitled as follows:

An act amendatory of the several acts regulating writs of foreign and domestic attachment,

An act to incorporate the Crawfordsville and Terre-Haute turnpike company,

An act to amend an act entitled an act to provide for a general system of internal improvements, approved January 27, 1836:

An act to establish the state roads therein mentioned;

An act authorizing the sale of certain seminary lands in Monroe county;

An act to amend the 34th section of an act relative to crime and punishment, approved February 10, 1831;

An act to locate a state road therein named;

An act to incorporate the Laurel Academy;

An act to appropriate the three per cent. fund in certain counties therein named;

An act to amend an act entitled an act to provide for an equitable mode of levying the taxes of this state, approved Feb. 8, 1836;

An act to incorporate the Crawford county Blue river bridge company;

An act to incorporate the Mount Vernon Insurance Company,

An act to incorporate the Indianapolis Female Institute;

An act to incorporate the Indianapolis and Michigan City rail road company;

An act to establish a state road therein named;

An act to incorporate the trustees of the New Albany seminary;

An act to change the times of holding the circuit courts in the several judicial circuits;

An act to re-locate a certain state road therein named;

An act to incorporate the Delphi Insurance company;

An act to incorporate the town of Greensburgh, Decatur county;

An act relative to evidence;

An act to amend an act entitled, an act incorporating public libraries, approved Dec. 17, 1816;

An act to relocate the seat of justice in the county of Noble;

An act to locate a state road from Andersontown in the county of Madison, to Knightstown in Henry county;

An act to incorporate the Patriot turnpike company;

An act to provide for the settlement of the accounts of commissioners of the 3 per cent fund in the several counties;

An act authorizing the funding of the 3 per cent. belonging to Sullivan county;

An act to amend an act entitled an act incorporating public libraries, approved December 17, 1836;

An act to amend an act entitled an act to organize probate courts and defining the powers and duties of executors, administrators, and guardians, approved February 10, 1831;

An act to locate a state road from Shelbyville in Shelby county, to Columbus in Bartholomew county;

An act for the relief of James Warren;

An act declaring Banbango creek a public highway;

An act to authorize certain persons therein named to erect a dam across the East fork of White river in Lawrence county;

An act to amend an act entitled an act to incorporate the Turkey Plain manufacturing company;

An act to amend an act entitled an act to incorporate the Buffalo and Mississippi rail road company, approved Feb. 6, 1835;

An act to preserve the fire engine at Indianapolis;

An act to ratify and confirm an act of the Legislature of the state of Ohio incorporating a company to construct a rail road from Piqua, in the state of Ohio, to Fort Wayne in the state of Indiana,

An act to incorporate the New Albany Hotel Company;

An act to incorporate the Liverpool bridge company;

An act to change the time of holding probate courts in the county of Vigo;

An act declaring a certain road therein named a state road;

An act to authorize the location of a state road from Rochester in Fulton county, to Monticello in White county;

An act to incorporate the Laurel Savings Institution and Insurance Company;

An act to incorporate the town of Shelbyville in Shelby county;

An act to establish certain state roads therein named;

An act to fix the pay of the fund commissioners;

An act to incorporate the Eel river steam mill company;

An act incorporating congressional townships and providing for public schools therein;

All of which originated in the Senate.

The following message was received from the H. of Representatives:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution, viz:

*Resolved*, That a committee of two be appointed on the part of this

House, to act with a similar committee on the part of the Senate, to wait upon the Governor, and inform him that both houses of the General assembly have completed their legislative business of the present session, and are now ready to adjourn *sine die*, if he has no further communication to make to them, and that the Senate be informed of the apportion of this resolution, and a similar one on their part requested.

Messrs. Hubbard and Brown of T., are appointed said committee on the part of the House of Representatives.

On motion of Mr. Vawter, the Senate reciprocated the above resolution of the House, and Messrs. Clark and Sigler were appointed a committee on the part of the Senate.

On motion of Mr. Morgan,

*Resolved*, That the thanks of the Senate be presented to the Hon. R. W. Thompson, President pro tem. of the Senate, for the honorable, dignified, and impartial manner in which he has discharged the duties of the chair.

Mr. sigler from the committee appointed for that purpose, made the following report:

The committee appointed to wait on His Excellency the Governor, have discharged that duty, and received for answer, that he has no further communications to make to the present General Assembly.

On motion of Mr. Vawter,

*Resolved*, That the Senate will, the House of Representatives concurring therein, adjourn *sine die*.

The following message was received from the House of Representatives:

Mr. PRESIDENT—

The House of Representatives has adopted the following resolution:

*Resolved*, That the Senate be informed that the House of Representatives have gone through with the business before them, and are now ready to adjourn *sine die*.

On motion of Mr. Kennedy, the Senate adjourned *sine die*.

EBENEZER DUMONT,

*As't. Sec. Senate.*





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(See state bank.)

# BILLS WHICH ORIGINATED IN THE SENATE.

656

TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Sen.	Passed Ho.	Other Proceedings.	Approved.
A bill providing for the division of the 8th judicial circuit	31		31	33	42, 44	46
A bill changing the time of holding courts in part of 3d circuit	31	44	80	250	358, 278	291
A bill to amend act authorizing &c., a dam across the St. Joseph river	46	92, 96	197	341	350, 359	190
A bill declaring the boundary of Brown county	72		72	82	95, 189	199
A bill authorizing the treasurer of state, receive from &c., surplus revenue &c.	74	92	129	178	195, 199	291
A bill authorizing the election of trustees of the Pike county library	74	92	197	252	261, 278	350
A bill to incorporate the trustees of Indiana university	79	199	225	249	278, 292	652
A bill to incorporate the Laurel insurance company	79	228, 239	245	521		397
A bill to amend act subjecting real &c. to execution	80	198, 207	245	355	366, 378	514
A bill to legalize the election of probate judge in Fulton county	80	198	245	355	366, 378	
A bill for the relief of James Sutfin	87		198	252	258	
A bill to incorporate an insurance company	91	198, 262	280	446	474	
A bill to amend the act to incorporate Evansville insurance company	91	198, 250				
A bill for the relief of George Brodrick	92	198	246			



## BILLS WHICH ORIGINATED IN THE SENATE.

TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Sen.	Passed Ho.	Other Proceedings.	Approved.
A bill to establish a state r'd in the counties of Perry &c.	189	241	266	322	340,411,480,502,512	548
A bill to incorporate the Eel river steam mill company	189	347	461	636	647	652
A bill to change Michigan road on sec. 32 of s'd road .	189		463	516	502,512	548
A bill declaring a certain road, a state road .	189		289			652
A bill to incorporate the Carroll county seminary .	189	227	247	445	470, 478	481
A bill to amend act relative to crime and punishment .	206	465, 485	541			
A bill regulating the practice in suits at law .	206	289				
A bill declaratory of the law on subject of licenses &c.	208	290, 465, 485	486			
A bill amendatory of the several acts, &c., regulating Writs of attachment .	219					
A bill providing for the appointment of attorney general	220	542		571	584	651
A bill to amend act to license and regulate taverns and groceries .	220	290				
A bill to prevent the retailing of spiritous liquors along the line of public works .	227	455, 470, 541				
A bill to amend act allowing &c. the writ of ad quod damnum .	227		542			
A bill to appropriate to the several counties a part of the 3 per cent. fund .	227	507, 543	508	548		

A bill authorizing the repair of the house on the circle &c.	228	542					
A bill for the prevention of frauds and perjuries .	235	542					
A bill to amend several acts for promotion of schools in Clark's Grant . . . . .		237					
A bill to locate a state road in Laporte county . .	239		543	637	585, 596		651
A bill to incorporate the Indianapolis female institute .	243		543	636	585, 596		383
A bill to incorporate the Indiana pottery company . .	244		250	281	290		
A bill to amend the act to incorporate the Buffalo, &c. rail road company . . . . .	244		543				652
A bill supplemental to internal improvement act . .	244	543					
A bill to amend the act to provide for a general system of internal improvements . . . . .	244	258, 477	540	633			651
A bill to change the name of Jamestown in Henry county to New Lisbon . . . . .	245		355	494	478, 497		
A bill amendatory of act to provide a general system of internal improvements . . . . .	245	543					
A bill to amend act subjecting real &c. property to execution . . . . .	245	543					
A bill to amend act to incorporate Logansport &c. bridge company . . . . .	245		542	637	585, 596		645
A bill declaring a certain road a state road . . .	245		544	632			
A bill to amend act for incorporation of public libraries	249		544	632			651
A bill authorizing the com'r. of M. R. to correspond with com'r. general land office . . . . .	251	257	257	367	379, 409		412
A bill . . . . .	257						
A bill to provide for a survey of the Michigan road . .	262						
A bill regulating fees and salaries . . . . .	264						

# BILLS WHICH ORIGINATED IN THE SENATE.

660

TITLES.	Introduced.	Proceedings in the committee of the whole, and in the Senate.	Passed Sen.	Passed Ho.	Other proceedings.	Approved.
A bill to provide for an additional branch of the state bank . . . . .	264	355, 417				467
A bill to amend the act for the apportionment of Senators &c. . . . .	264	462	264	446	422, 456	481
A bill to amend the act organizing circuit courts, &c. . . .	264					
A bill to locate a state road from Russellville to Blakesburgh . . . . .	264		280	455	470, 478	481
A bill legalizing the sale of south east qr. sec. 16 town. 14 in Shelby county . . . . .	272		280	455	470, 478	
A bill for the relief of Dearborn county . . . . .	272					
A bill for the relief of Robert Wilson . . . . .	273					
A bill to provide for the loaning, &c. the surplus revenue, &c. . . . .	274	294, 309, 323, } 338, 366, 379, }				
A bill to vacate the town of Georgetown . . . . .	274	384, 401, }				
A bill authorizing L. Downing to sell a certain tract of land . . . . .	274					
A bill to authorize b'd. of internal improvement to lease to J. Bequette, &c. certain surplus water . . . . .	278	553	566			
A bill to amend the act regulating cl'ks. of circuit courts . .	279	283				
A bill to incorporate the town of Greensburgh . . . . .	279	307	321	446	584, 596	651

A bill supplemental to act for opening, &c. roads and highways . . . . .	279				
A bill . . . . .	279				
A bill providing for a survey, &c. of rail road from east line of state to, &c. . . . .	279	279			
A bill locating a state road . . . . .	279				
A bill . . . . .	283				
A bill amendatory of an act for opening, &c. roads and highways . . . . .	285	463, 402			
A bill . . . . .	285				
A bill for the preservation of the state house . . . . .	286				
A bill to provide for a survey for a rail road from Troy to the central canal . . . . .	287				
A bill to re-locate part of Noblesville and Andersonstown state road . . . . .	287	463	571	584, 596	645
A bill . . . . .	287				
A bill . . . . .	287	288			
A bill to establish a certain state road therein named . . . . .	291	291	521	584	651
A bill organizing the tenth judicial circuit, &c. . . . .	292	566			
A bill supplemental to act providing for division of 8th circuit, &c. . . . .	300	300	445	422, 456	467
A bill to change the name of Fullerton to that of Lodi . . . . .	305	305	445	422, 456	467
A bill for the relief of James Warren . . . . .	306	601	634		
A bill authorizing the sale of certain seminary lands in Monroe county . . . . .	306	544	601		652
A bill to provide a lock in the pool dam near Delphi . . . . .	306	493	508	514, 537	
A bill . . . . .	307				

# BILLS WHICH ORIGINATED IN THE SENATE.

662

TITLES.	Introduced.	Proceedings in the committee of the whole, and in the Senate.	Passed Sen.	Passed Ho.	Other proceedings.	Approved.
A bill to establish a state road from Kirk's cross roads to Michigan city . . . . .	308		321			651
A bill to incorporate the Delphi insurance company . . . . .	308		384	508	633	
A bill to authorize the location of a st. road from Rochester to Monticello . . . . .	318		461	632		652
A bill to preserve fire engine at Indianapolis . . . . .	319			638	592	652
A bill . . . . .	319		319			
A bill to incorporate the Liverpool bridge company . . . . .	320		419	556	598	652
A bill to locate a state road therein named . . . . .	320		423	571	585, 596	645
A bill to authorize the survey of a rail road from Lafayette to Michigan city . . . . .	320	426				
A bill to amend act to provide for a general system of internal improvements . . . . .	320					
A bill to authorize a change in part of Mooresville, &c. road . . . . .	338		338	480	502, 512	548
A bill relating to state roads . . . . .		338		455	470, 478	514
A bill . . . . .	344					
A bill for the relief of Seth Cushman, former collector of Sullivan county . . . . .	345					
A bill . . . . .	352		465	508	514, 537	548



A bill to provide for a survey of a rail road from Rushville to White Water canal	-	-	354
A bill to amend the act for assessing and collecting revenue	-	-	354
A bill to incorporate the Mt. Vernon insurance company	-	-	354
A bill to incorporate the Indianapolis & Mich. City R. R. Co.	-	-	354 382
A bill to incorporate the town of Laporte	-	-	354 420
A bill to amend an act establishing a State Bank	-	-	354 418
A bill to amend an act organizing probate courts, &c.	-	-	355
A bill to ratify and confirm an act of the Ohio legislature, &c.	-	-	363
A bill	-	-	378
A bill to provide that recorders shall furnish clerks with list of lots, &c. recorded	-	-	384 423
A bill supplemental to internal improvement act	-	-	397
A bill to provide for the classification &c. of works of int. imp.	-	-	398
A bill to amend act to incorporate Perrysville, &c. R. R. Co.	-	-	398
A bill to change the name of South Bend to that of Otulga	-	-	399
A bill to incorporate the Michigan and Kankakee rail road or canal company	-	-	399 460, 471, 507, 534
A bill to incorporate a state road from Cambridge to Fort Wayne	-	-	409
A bill	-	-	410
A bill supplemental to an act authorizing commissioner of Michigan road to correspond, &c	-	-	410
A bill to establish a certain state road therein named	-	-	411
A bill to incorporate the New Albany hotel company	-	-	411 423
A bill limiting the salaries of the engineers employed, &c.	-	-	416
A bill in relation to the locks in the canals, &c.	-	-	416

# BILLS WHICH ORIGINATED IN THE SENATE.

664

TITLES.	Introduced	Proceeding in committee of the whole, and in the Senate.	Passed H.	Passed S.	Other proceedings.	Approved.
A bill to incorporate the Crawford county Blue river bridge company - - - - -	420		420	521	599, 633	651
A bill to authorize a survey of a road from Mauksport to Salem - - - - -	425		462			
A bill to authorize a survey in continuation of the Erie and Michigan canal - - - - -	425					
A bill to authorize the survey of a rail road from Rushville to Cambridge - - - - -	425	553, 574, 578	629			
A bill to incorporate the Wabash and Lafayette bridge co. - - - - -	426		426	479	414, 537	548
A bill to locate a state road in Laporte county - - - - -	426		426	521	584, 596	645
A bill to incorporate the Patriot turnpike company - - - - -	427		488	637	598, 601	652
A bill to amend the act to establish a state road from Rome to Jasper - - - - -	427		427	494	498, 497, 512	549
A bill - - - - -	428					
A bill to relocate a part of the state road from Indianapolis to Miamisport - - - - -	429		429			
A bill establishing the state road therein named - - - - -	429		429	568	641	651
A bill to provide for settlement of accounts with commissioners of three per cent. fund in the several counties - - - - -	452					
A bill relative to the three per cent. fund in the counties of Clinton, Carroll and White - - - - -	453		526	568	598	652

A bill to establish, &c. certain state roads therein named	453	453	480	514, 537	548
A bill to incorporate the trustees of the N. Albany seminary	453	453	637	598	651
A bill to incorporate the Laurel seminary	453	453	637	598	651
A bill to incorporate the Crawfordville and Terre-Haute turnpike company	454	454	570	596	651
A bill organizing probate courts and defining powers, &c., of executors, &c.	455	455			
A bill to amend an act to organize probate courts, &c	458	458	637	592	652
A bill to locate a state road from Hathaway's to High banks of White river	458	458			
A bill to authorize certain persons to erect a dam across East Fork of White river	462	462			
A bill to amend 34th section of act relative to crime and pun- ishment	466	466	486		
A bill to locate state road from Knightstown, &c	475	475	571	595	652
A bill declaring Banango creek a public highway	475	475	556	564, 596, 601	651
A bill to authorize board of internal improvement to change the location of state and county roads, &c	477	477	632	602	652
A bill to authorize A. Waymire to build dam on the Wabash	483	483	571	585, 596	645
A bill supplemental to internal improvement act	488	488			
A bill in addition to the laws regulating divorces and ali- mony	500	500	569	496	651
A bill to amend act to provide an equitable mode, &c	504	504			
A bill	504	504			
A bill to encourage the apprehension of horse thieves, &c	504	504			
A bill to appropriate a part of the 3 per cent. fund for the purposes therein named	507	507	568	585, 596, 597	645

# BILLS WHICH ORIGINATED IN THE SENATE.

666

TITLES.	Introduced.	Proceedings in the committee of the whole, and in the Senate.	Passed Sen.	Passed Ho.	Other proceedings.	Approved.
A bill to appropriate the 3 per ct. fund due Monroe county	508	525	526			
A bill to incorporate the Carmel steam mill and manufacturing company - - - -	521		594	636		
A bill to locate a state road from Anderson town to Knights town - - - -	526		526	567	598	652
A bill to appropriate the 3 per cent fund in Sullivan county	528		528	568	598	652
A bill to locate a state road in the co. of Switzerland, &c.	528		528			
A bill to locate a state road from Shelbyville to Columbus	528		528	568	647	652
A bill to amend act to incorporate the Turkey Plain manufacturing company - - - -	538		538	632	592	652
A bill - - - -	539					
A bill to incorporate the Washington savings institution	544					
A bill to incorporate the town of Shelbyville - - - -	544		552	632	592	652
A bill legalizing election for sale of 16th section, town. 3, range 2 west, in Lawrence county - - - -	544		544	638	592	
A bill supplemental to act regulating fees and salaries, &c.	559					
A bill to re-locate the seat of justice of Noble county - -	575		575	632	602	651
A bill to change the time of holding probate courts in the county of Vigo. - - - -	579					
A bill - - - -	581		579	631		652

A bill to change the mode of doing county business in coun-  
 ty of Huntington - - -  
 A bill fixing pay of fund commissioners - - -  
 A bill imposing a tax on pedlars and travelling merchants

582  
 589  
 602

582  
 591 633 647

652

# BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

668

Number.	TITLES.	Reported from House.	Proceedings in the committee of the whole, and in the Senate.	Passed. Sen.	Other proceedings.	Approved. See H. Jo.
1	A bill to authorize a special session of the Vermont circuit court - - - - -	8			332, 41, 44, 44	
2	A bill to authorize the Johnson circuit court to hold a special session - - - - -	8			941, 44, 44	
3	A bill providing for election of U. S. Senator, &c. by viva voce vote, &c. - - - - -	341	330	460	513, 536	
4	A bill repealing certain acts regulating mode of doing country business in the county of Greene - - - - -	356		357	400, 408	
5	A bill to legalize the election of probate judge in Porter co. - - - - -	54	92, 198	219		
6	A bill to change the name of Mary Ann Elder Glasgo - - - - -	80		245	278	
7	A bill legalizing the assessment of revenue in the county of Vanderburgh - - - - -	70		70	76, 82, 82	
8	A bill to legalize the collection, &c. of revenue for 1836 in Warrick and Spencer counties - - - - -	80		198	205, 219	
9	A bill to locate a state road from Bloomington to Bloomfield - - - - -	80	198	245	264, 278	
11	A bill changing time of holding election for township officers in the county of Warrick - - - - -	356		357	401, 460, 474	
13	A bill for the incorporation of Knightstown - - - - -	177		251	277, 460, 537	
14	A bill to incorporate the Peru collegiate institute - - - - -	225		251	280, 292	
15	A bill to change the name of Portersville to Valparaiso - - - - -	80		245	264, 278	

18	A bill to provide for the survey of the East Fork canal	96	238, 381	382	403, 404, 408
19	A bill to incorporate the Lawrenceburgh savings institution	218	542	581	
21	A bill authorizing the election of an additional justice of the peace in Owen county	177	281	288	320, 321, 344
29	A bill to incorporate the Madison and Lawrenceburgh Hotel companies	218	462	487	560, 583
30	A bill supplemental to internal improvement act	518		521	560
31	A bill to regulate the disbursement of the 3 per cent. fund in the unorganized counties	237	544, 552	558	597, 600
32	A bill to amend act to incorporate Jeffersonville &c. canal company	218	463	479	521, 540, 549
33	A bill to repeal part of the Crawfordville &c. r'd charter	178	289	321	403, 408
35	A bill to incorporate the Milton savings institution	218	544	592	646
36	A bill to amend the several acts for promotion of schools in Clark's grant	178		251	277, 280, 292
37	A bill to incorporate the St. Joseph manual labor institute	178	289	321	460, 474
41	A bill legalizing the assessment of the revenue in the county of Martin	218		542	560, 583
42	A bill to legalize proceedings of probate ct. of Dearborn c'ty	225		542	582
45	A bill to incorporate the trustees of the Western university	247	306	321	406, 408
48	A bill for the equal distribution of the 3 per cent. fund	341			637, 641
49	A bill to amend act to provide for a general system of internal improvements	452	535		
50	A bill to incorporate the Hartford steam mill and manufacturing company	446		503	568, 596
51	A bill authorizing sale of certain lots in Indianapolis	437	575		
52	A bill authorizing W. McCartney sen. &c. to cut a race &c into St. Joseph river	247	262, 280	308	340, 460, 474

# BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

670

Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Sen.	Other Proceedings.	Approved. See H. Jour
53	A bill to legalize sale of part of section 16, town 4, range 8 west, in Hancock county . . . . .	341				
54	A bill to appropriate a part of the 3 per cent. fund on the Rome and Paoli state road in Orange county . . . . .	247		248 280, 292		
55	A bill to form a new county out of the county of Dearborn . . . . .	252	253, 273 297, 545			
56	A bill to incorporate Lawrenceburgh and Tanners creek bridge company . . . . .	237		543 582, 597		
57	A bill to alter county lines in counties of Warren and Jasper . . . . .	237 542				
58	A bill to incorporate the Lawrenceburgh &c. turnpike com. . . . .	252 473, 487				
59	A bill to dissolve the bands of matrimony between Huston Russell and wife . . . . .	236				
60	A bill to change mode of doing county business in the county of Gibson . . . . .	356	380, 466	489 514, 521, 537		
62	A bill to incorporate certain turnpike companies therein named . . . . .	446		574 599, 631		
63	A bill to authorize ezra Baker jr. to build a mill dam across Wabash . . . . .	225		225 236, 237, 248		
64	A bill for the relief of J. B. Richardville and F. Godfroy . . . . .	323		353 403, 408		
65	A bill to amend act for appointment of county surveyors . . . . .	252	400, 423			



69	A bill appropriating a portion of the 3 per cent fund due Hancock county . . . . .	252	463	489	568, 582, 598
70	A bill for the relief of Charles Woodward . . . . .	253			
71	A bill directing the application of the 3 per cent. fund in Putnam county . . . . .	265			
77	A bill to incorporate the Indiana pottery company . . . . .	259			
79	A bill to incorporate the New Amsterdam manufacturing Company . . . . .	341		363	404, 459, 474
80	A bill to change mode of doing county business in county of Huntington . . . . .	356		644	601
82	A bill to amend act to organize &c. the militia . . . . .	405	424, 591, 643		
83	A bill to incorporate the New Albany and Mount Carmel rail road company . . . . .	401	479		
84	A bill to organize the county of Dekalb &c. . . . .	253	275	498	525, 546, 550, 567, 600
85	A bill to incorporate the Ft. Wayne & Maumee bridge comp. . . . .	341		280	320, 321, 344
86	A bill to change the name of the village of Lakeport . . . . .	253		362	400, 408
93	A bill to repeal act incorporating townships in Warren c'ty . . . . .	265			
95	A bill supplemental &c. authorizing agt. of state to make a deed &c. . . . .	265	284	321	403, 408
96	A bill to amend the act to authorize inhabitants of T. 8, R. 2, W. to sell &c. . . . .	265			
97	A bill to authorize change of venue in certain cases &c. . . . .	265		579	599
98	A bill to amend act for encouragement of agriculture . . . . .	341	458		
99	A bill to incorporate the Williamsport, Warren c'ty bridge company . . . . .	265		348	356, 404, 460, 474
100	A bill to provide for draining Lost creek, in Vigo county . . . . .	341		342	403, 409
103	A bill to increase the compensation of the Governor of the State &c. . . . .	341		343	403, 409

## BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Sen.	Other proceedings.	Approved. See H. Jour
105	A bill to legalize certain sales of school lands in Fountain and Spencer counties	341	502			
107	A bill to incorporate the Evansville manufacturing and dry dock company	446	503		597, 601	
110	A bill to amend act to incorporate town of Indianapolis	341		461	513, 530	
116	A bill to regulate jurisdiction of justices of the peace in the counties of Tippecanoe, Orange and Warren	356		428	498, 540, 549	
117	A bill to amend the charter of the Vevay seminary	356	378	379	460, 474	
120	A bill to encourage the apprehension of horse thieves, &c. in Washington county	356		475	513, 537	
124	A bill to legalize the election of probate judge in Kosciusko county	356		381	460, 474	
125	A bill to authorize board of com'rs. of Washington county to fund certain moneys, &c.	480		501	540, 549	
127	A bill to revive, &c. an act to incorporate the town of Rome	356		358	400, 409	
129	A bill to authorize D. A. Rawlins to sell certain real estate	356	380	462	540, 549	
130	A bill to vacate a part of the Indianapolis, Centreville, &c. state road	446		448	513, 530	
131	A bill to re-locate a part of the Indianapolis and Ft. Wayne state road, &c.	446		629		

133	A bill to appropriate a part of the 3 per cent fund in the county of Orange	353	353,460, 474
135	A bill to incorporate the Bloomfield and White river insurance company	508	575,631
136	A bill amendatory of an act regulating practice in suits at law	446	504,560
137	A bill to incorporate the White river bridge company	446	
138	A bill supplemental to an act to enable school com's. to correct returns of collectors	356	501,540, 549
140	A bill amendatory of an act for prevention of frauds, &c.	636	
141	A bill to change the time of holding circuit courts in the 5th circuit	258	262,280, 284, 292
142	A bill to provide for the election of a justice of the peace in New Amsterdam	356	357,403, 404, 409
143	A bill to prevent disasters on steam boats	322	346,366, 403, 404, 409
144	A bill to incorporate the Brookville savings institution	356	460, 474
148	A bill to incorporate the Indianapolis master carpenters' and joiners' associate	446	532,583, 600
149	A bill to incorporate the town of Bloomfield	367	419,430, 513, 537
150	A bill to provide for the improvement of the Michigan road north of Indianapolis	432	483,514, 537
152	A bill appropriating 3 per cent fund that is due to Greene co.	405	406,460, 474
154	A bill to alter the boundary lines of Carroll and White	446	448,583, 597, 600
156	A bill to re-locate a part of the state road from Vincennes to Carlisle	404	404,460, 474
158	A bill to provide for a special session of Marion circuit court	277	277,288, 300
160	A bill for the relief of Lyle McClung and others	446	

# BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

674

Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Sen.	Other proceedings.	Approved. See H. Jour
161	A bill to legalize deed of donation of P. C. Vanslyke to town of Bloomfield . . . . .	446		484	560	
163	A bill to amend act for the regulation of state prison . . . . .	404		470	516, 540, 549	
165	A bill for the preservation of the state house and for other purposes . . . . .	493		550	595	
166	A bill to legalize proceedings of trustees of Presbyterian ch. in Greensburgh . . . . .	446		449	513, 530	
167	A bill for the benefit of Nancy Roseberry . . . . .	296	376	377	403, 409	
169	A bill to preserve the fire engine at Indianapolis . . . . .	405	473	536		
170	A bill amendatory of act to provide for general system of internal improvements . . . . .	368	408, 416		599, 631	
171	A bill to incorporate the Washington hall company . . . . .	405		453	498, 549	
171	A bill to legalize proceeding of trustees of T. 6, R. 1 W., in Dearborn county . . . . .	446		449	513, 530	
172	A bill to incorporate a company to build a bridge over White river . . . . .	446			568, 597	
173	A bill to change the name of Danville to that of Fayetteville . . . . .	405		407	460, 474, 600	
175	A bill to declare certain roads therein named state roads . . . . .	405		407	460, 474	
176	A bill to appropriate a part of 3 per cent fund in Orange co. to the improvement of Lost river . . . . .	446				

179	A bill declaring certain c'ty. roads therein named st. roads	405	407 460
180	A bill for the formation of school districts in Shelby and Marion counties	405 473	
181	A bill to incorporate the Vincennes and Terre-Haute turnpike company	515	574 600
184	A bill to extend the Erie and Michigan canal	508	534 582, 583, 597
186	A bill to incorporate the Jeffersonville iron manufact'ring co.	446 503	504 568, 596
188	A bill authorizing construction of a road from Rushville to, &c.	447	
190	A bill declaring certain names misprint	447	449 549
191	A bill relating to corporations	455	486
192	A bill to extend jurisdiction of trustees of Vernon	455 470	471 513, 537
195	A bill authorizing P. McCoon, &c. to build a dam across the Wabash river	447	471 513, 516, 537
198	A bill to incorporate the Porter county seminary	447	476 513, 537
200	A bill to provide for opening, &c. roads &c. in county of Clay	499	499 514, 537
202	A bill to authorize S. Coleman to sell certain town lots, &c.	405	423 513, 537
203	A bill to legalize proceeding of board of trustees of Salem Presbyterian congregation	447	450 513, 530
204	A bill to amend act incorporating Carlisle school society	447	450 513, 531
205	A bill to repeal an act to relocate a part of road from Martinsville to &c.	447	450 513, 530
206	A bill to relocate a part of the New Castle and Lafayette state road	447	450 513, 530
209	A bill regulating jurisdiction, &c. of justices of the peace in Hancock county	447	450 465, 478
210	A bill to amend act to incorporate Terre-Haute	447	450 513, 530
211	A bill to repeal so much of act and parts of acts regulating jurisdiction, &c. justice of the peace in the several, &c.	447	450 513, 530

# BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

676

Number.	TITLES.	Reported from House	Proceeding in committee of the whole, and in the Senate.	Passed Sen.	Other Proceedings.	Approved, See H. Jour
212	A bill to amend several acts regulating mode of doing county business in the county of Martin	447		541	560, 533	
213	A bill authorizing commissioner of Reserve township in Monroe county to cancel, &c.	447		450	549	
217	A bill permanently fixing the line between the counties of Jefferson and Clark	454		462	513, 537	
219	A bill to amend act to regulate mode of doing county business	447		471	514, 537	
222	A bill to incorporate the Clay county seminary	405		419	513, 537	
223	A bill relative to crime and punishment	455	465, 485	407	455, 549	
224	A bill to revive the corporation of the town of Bowlinggreen	405				
225	A bill to change the name of the town of Mongoquonon to Lima	447		451	549	
227	A bill to locate a bridge and relocate a part of a state road in the county of Vermillion	447		451	513, 530	
228	A bill to legalize the proceedings of the commissioners of Warrick county at January term, 1837	447		451	513, 530	
230	A bill to amend act relating to county seminaries	447		552	595	
231	A bill to amend act to regulate fees, &c. of several officers, &c.	515		507	565, 586, 602, 631	
233	A bill to provide for distributing so much of the surplus rev.	456	459, 493, 505			

234	A bill to incorporate the New Albany guards	397	419, 424	525 598, 513, 536
235	A bill to provide for the construction of a lock in the pool dam near Delphi	482		
238	A bill to improve the breed of cattle in White county	447		
240	A bill authorizing the guardians of Elliott's heirs to sell real estate	494		532 559, 596
241	A bill to provide for a geological survey of the state of Ind'a	515		603 601
242	A bill to increase the capital stock of Lawrenceburgh bridge company	494		496 560, 583
243	A bill to authorize county board of Dearborn to levy tax, &c	494		496 561
244	A bill divorcing Amanda M. Smith	498		635
246	A bill to amend an act to incorporate Michigan City	494	531, 539	547 584
247	A bill to vacate part of two state roads in county of Parke	494		496 560
248	A bill to amend act to incorporate Indianapolis and Ohio railroad company	497		497 549
249	A bill to authorize W. M'Ilvain to build a mill dam across White river	516		559, 583, 596
250	A bill to change com'r on road from J. Perkins' to Napoleon	594		490 561
251	A bill to change the name of Mauksport	516		
252	A bill to amend act to vacate town of Northampton in Harrison county	516		588
254	A bill to authorize road commissioner of Fulton county to loan three per cent. fund of said county	517		518 560, 583
255	A bill to locate a part of Richmond & Ft. Wayne state road	517		518 560, 582
256	A bill to locate a state road in the county of Bartholomew	517		518 583
257	A bill to incorporate the town of Greenfield in Hancock co.	571		594
258	A bill appropriating the 3 per cent. fund of Dearborn county	517		518 597, 600

Number.	TITLES.	Reported from House.	Proceedings in the committee of the whole, and in the Senate.	Passed Sen.		Other proceedings.	Approved. See H. Jour
259	A bill to repeal 20th section of an act to regulate the mode of doing county business so far as relates to Sullivan co.	517		518	549, 568		
260	A bill relative to the Mt. Vernon and Princeton turnpike r'd	517		519	561		
261	A bill to locate state road from Portland to Michigan road, &c	517		535	582, 598		
262	A bill to drain the swamps, &c. N. E. of Indianapolis	517		531	597, 600		
265	A bill to incorporate the Fountain county insurance co.	508		519	540, 549		
266	A bill declaring yellow river a public highway	517					
267	A bill to authorize transfer of school funds between townships, &c. in Cass county	517		519	561		
268	A bill to vacate a part of a certain state road, to re-locate part of another state road, &c	517		539	582, 583, 597		
269	A bill to provide for the construction of a bridge over West Fork of White river	481		545	{ 584, 594, 634, 634, 635, 641		
270	A bill to amend an act to incorporate Wayne and Union turnpike company	517		519	560, 582		
271	A bill authorizing location of certain state r'd in Hancock co.	517		519	560, 582		
272	A bill declaring a certain road therein named a state road	517		519	540, 549		
273	A bill to incorporate the Hendricks county seminary	480		533	568		
274	A bill to amend an act to incorporate Wabash and Michigan rail road company	517					



275	A bill repealing part of act to provide for removal of obstructions in Eel river . . . . .	517	520 561
278	A bill to incorporate the Vincennes and Terre-Haute turnpike company . . . . .	571	551
280	A bill to incorporate the Peru, Mexico, &c. turnpike comp.	508	586 601, 631
381	A bill to repeal act relative to c'ty orders in c'ty of Parke .	569	541 582
282	A bill relative to the Tippecanoe battle ground . . . . .	499	510 561
283	A bill to locate a state road from Rossville to Americus .	508	587
284	A bill making general appropriations for 1837 . . . . .	508	628 635
285	A bill making specific appropriations for 1837 . . . . .	628	578
286	A bill to amend act to provide for equitable mode of levying taxes . . . . .	566 576	
287	A bill repealing part of act to provide for a general system of internal improvements . . . . .	451 533	
288	A bill authorizing school commissioners to draw from state treasury certain moneys therein named . . . . .	494	533 582, 598
290	A bill to provide for establishment of titles to lots in Merom .	494 496	532 582, 598
292	A bill amendatory of act to amend charter &c. of Evansville .	480	531 549, 582, 598
293	A bill to incorporate the Richmond trading and manufacturing company . . . . .	480	529 596
294	A bill to legalize appointment of assessor of Vigo county, and to authorize &c. . . . .	517	520 560
297	A bill to change mode of doing county business in Boon c'ty .	508	510 540, 549
298	A bill to incorporate the Brownstown insurance company .	508	538 583, 597, 601
299	A bill to establish a state road . . . . .	522	522 540
301	A bill granting to the citizens of Madison, a city charter .	494	533 568
303	A bill declaring the county road from Centreville to Milton, a state road . . . . .	515	515 549, 568

# BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

680

Number.	TITLES.	Reported from House.	Proceedings in committee of the whole, and in the Senate.	Passed Sen.	Other Proceedings.	Approved. See H. Jour
304	A bill to incorporate the Evansville fire insurance company	499		532	583, 646	
305	A bill declaring a certain c'ty r'd in Vermillion c'ty a st. r'd	522		522	540, 549	
306	A bill attaching Newton to Porter county for jud'l purposes	522		522	559, 596	
307	A bill to relocate a state road in the county of Hancock	522		522		
308	A bill to amend act providing means for W. and E. canal	509				
309	A bill to amend act providing internal improvement act	500				
310	A bill to supplement to internal improvement act	509		511	561	
311	A bill to locate a certain state road therein named	509	588			
312	A bill to amend act relative to crime and punishment	509				
313	A bill to incorporate the Lafayette and Michigan City turn- pike company	494				
314	A bill to incorporate the Hudson and New Buffalo rail road company	571				
315	A bill distributing 3 per cent fund belonging to Parke c'ty	509		587		
318	A bill to incorporate the town of Cleveland in Tippecanoe county	509		538	582, 583	
319	A bill to establish a state road from Napoleon to Vernon	509		531	559, 597	
320	A bill to incorporate the Philomath turnpike company	494		529	568, 599, 601	
321	A bill to authorize R. M. Kirk to raise his mill dam 3 ft higher	494		581		
324	A bill appropriating a portion of the 3 per cent fund of Vigo to the construction of a bridge	571		495	540, 549	
				572	600	

328	A bill to incorporate the Eel river bridge company	494	573	631
329	A bill for the relief of the collector of Cass county	572	601	
330	A bill for the relief of David Wilburn and others	572	572	597, 600
332	A bill to provide for the sale of tools belonging to Michigan road fund	494	496	549
333	A bill appropriating a part of the 3 per cent. fund in the counties therein named	494	505	568, 582, 598
335	A bill to amend act to provide an equitable mode of levying taxes	633	633	
336	A bill relating to state roads	557	592	565
337	A bill to incorporate the town of Bethlehem in Clark county	517	588	
339	A bill to establish a state library	570	593	
340	A bill to locate a s. r'd from Hatfields to Black creek bridge	372	372	
342	A bill declaring a county road a state road and appropriating a part of 3 per cent fund of Vermillion county, &c.	572	573	585
343	A bill to incorporate the Indianapolis, Lebanon, &c. turnpike company	517	553	
344	A bill to establish a certain state road therein named	633	633	
345	A bill to authorize the Vermillion circuit court to change venue in a certain case	499	499	560
347	A bill to amend act to regulate practice in chancery	572	573	
348	A bill to confirm the survey of the town of Attica	572	594	
350	A bill to provide for construction of bridge over east fork of White river	509	551	595, 597, 601
352	A bill to amend act subjecting real and personal estate to execution	572	595	
353	A bill to amend act regulating fees and salaries of the several officers, &c.	509	512	561

# BILLS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

682

Number.	TITLES.	Reported from House.	Proceedings in the committee of the whole, and in the Senate.	Passed Sen.	Other proceedings.	Approved. See H. Jo.
364	A bill supplemental to act appropriating 3 per cent fund among several counties in the state, &c.	572		595		
370	A bill to appropriate part of 3 pr. ct. fund in Bartholomew co.	525		525 561		
373	A bill to authorize J. Alexander to collect taxes, &c.	557		558 597, 600		
375	A bill to change mode of doing county business in Johnson county	557		558 582, 593, 596		
376	A bill to incorporate F. and M. savings institution of Floyd county, &c.	557		580		
379	A bill to incorporate the mayor, &c. of town of Lafayette	570		589		
382	A bill to provide for a justice of the peace in West Point, Tippecanoe county	572		595		
383	A bill to incorporate the Michigan city and St. Joseph rail road company	567		574 646		
385	A bill to authorize board of internal improvement to sell certain reserved lands	569		569 600		
390	A bill to locate a state road from Greenfield to Franklin	572		595		
391	A bill to incorporate the New Amsterdam manufacturing company	570		570 597		
392	A bill to appropriate the unappropriated balance of 3 per ct. fund appropriated to Orange county	584		584 601		

393	A bill to authorize sale of a school sec. in Lagrange county	631
364	A bill to incorporate St. Mary's bridge company	633
395	A bill in relation to the compensation of members of the Legislature	629
396	A bill for the relief of Zachariah Nicholson	634
397	A bill regulating practice at law in suits instituted, &c.	634
399	A bill authorizing exchange of certain grounds, &c.	636
400	A bill repealing a certain act therein named, &c.	629
401	A bill to locate a state road from Springfield to E. Hatfields	636
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" Trustees of Hanover college	-	-	-	-	254
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" Mr. Fontleroy on Mount Vernon road	-	-	-	-	295
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In relation to license to sell spirits	205
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On subject of license to merchants, &c.	208
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In relation to probate courts	219
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In relation to special sessions of the circuit courts	272
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In relation to a statute of mortmain	283
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On petition of John Brown and others	-	-	275
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# RESOLUTIONS.

692

SUBJECT MATTER OF.	Intro- duced.	Mover's Name.	Other Pro- ceedings.	Adopt- ed.
To acquaint the House of organization of Senate	5	Mr. Hillis		5
Adopting joint rules	5	Daily		5
In relation to Senatorial districts	5	Vawter		
Admitting reporters on the floor of the Senate	5	Boon		
For furnishing newspapers to members	6	Thompson of P.		7
Reciprocating resolut. of H. in relation to opening session with prayer	7	Vawter		7
In relation to the election of U. S. Senator	9	Vawter		9
Inviting the Hon. Christopher Harrison to a seat within the bar	9	Milroy		9
To print Governor's message	27	Clark	52	27
To print list of committees &c.	27	Stewart		27
In relation to amending the road law	27	Conwell		27
In relation to revising the laws	27	Vawter	51	52
In relation to the hour to which the Senate shall adjourn	27	Beard	rejected	
In relation to printing the journal	27	Brady	43	
In relation to special sessions of circuit courts	27	Little		27
Excusing Mr. T. of P. as chairman of committee on elections	27	Thompson of P.		27
In relation to the election of president judge of 6th circuit	30	Morgan		
In relation to county boundaries	31	Mitchell		31
For amending revenue law	31	Stanford		31
In relation to the Cumberland road	31	Brady		31
To change the probate system	31	Thompson of P.		31
To amend the road law	31	Mitchell		32

In relation to postage	32	Plummer	32
To refer a petition to committee on canals	33	Mitchell	33
Referring certificates of election to a committee	41	Beard	41
For the survey of a rail road	41	Morgan	41
For a committee to wait on S. Judges in relation to revising laws	41	Thompson of L.	52
Calling upon state officers to report the amount of their compensation	43	Boon	43
For information in relation to the state prison	43	Mitchell	43
In relation to the school law	43	Stanford	43
In relation to building school houses	43	Clark	43
Requiring insolvent plaintiffs to give security for costs	44	Mitchell	44
Requiring committee of ways and means to report &c.	44	Smith	44
To go into the election of judges and prosecuting attorneys	44	Liston	46
For the formation of an additional judicial circuit	46	Sigler	323
Allowing further time to branch banks to report	48	Collins	48
In relation to adjourning over	48	Thompson of L.	53
In relation to the salaries of the judges.	51	Morgan	51
On the subject of accepting the surplus revenue	51	Clark	51
For a survey of rail or turnpike road	57	Bell	57
In relation to amending the revenue laws	52	Puett	52
In relation to witness' fees in criminal cases	52	Trask	52
In relation to the Vevay and Napoleon turnpike company	52	Smith	52
On the subject of amending school laws	52	Everts	52
Exempting persons over forty years of age from militia duty	52	Fowler	53
Calling on Secretary of State for statement of convicts pardoned &c.	53	Daily	53
In relation to the Jeffersonville and Columbus rail road	53	Vawter	71
In relation to houses of correction	53	Plummer	rejected
In relation to locks &c. on canals	55	Conwell	55
In relation to delivery bonds	55	Thompson of P.	55

# RESOLUTIONS.

694

SUBJECT MATTER OF.	Intro-duced.	Mover's Name.	Other pro-ceedings.	Adopt-ed.
In relation to the boundary lines between Delaware & Randolph co's	71	Mr. Kennedy		71
For an appropriation on Jeffersonville and Columbus road	71	Daily		71
For state stock in the Lawrenceburgh rail road company	72	Walker		72
In relation to the relocation of roads, when, &c.	72	Conwell		72
Committing the Governor's message	72	Clark		72
Calling upon secretary of state for list of remissions	72	Moore		72
For a continuation of the survey of central canal	72	Crawford		72
For the further improvement of the Michigan road	72	Fowler		72
In relation to the militia &c.	72	Hoagland		72
In relation to an examination of the branch banks	76	Conwell		76
As to a uniform mode of doing county business	76	Cole		76
In relation to county tax on venders of merchandize	76	Elliott		76
In relation to the jurisdiction of justices of the peace	77	Cole		77
In relation to county boundaries	77	Brady		77
For a turnpike from Muncietown to the state line &c.	77	Kennedy		77
In relation to the payment of the revenue	77	Stanford		77
In relation to property exempt from taxation	77	Stuart		77
In relation to the writ of <i>ad quod damnum</i>	77	Thompson		77
In relation to appeals from justices of the peace	78	Thompson of P.		78
Articles of taxation to be designated	78	Mitchell	rejected	78
For an appropriation on Richmond and Logansport road	78	Trask		78
In relation to a license to vend merchandize	78	Collins		78



To exempt from taxation all necessary provisions	78	Mr. Kennedy	78	rejected
In relation to the application of fines before justices	78	Cole	78	
In relation to work on roads	78	Clark	79	
In relation to an additional justice in each township	79	Hoagland	79	
For the appointment of a committee on corporations	79	Thompson of L	80	
In relation to the duties of coroners	80	Mitchell	82	
In relation to the Lawrenceburgh and Indianapolis raid road company	82	Colerick	88	
In relation to taxing vendors of merchandize	88	Trask	88	
Extending provisions of 9th section of act regulating justices' jurisdic.	88	Fowler	88	
To amend the probate act	88	Beard	88	
For the purchase of fire engine at Jeffersonville	88	Daily	88	
Allowing fees to constables for advertising and selling property	88	Hackett	88	
In relation to vending wooden clocks	88	Stafford	88	
In relation to tract books	88	Vawter	89	
In relation to amending the school law	89	Chambers	89	
For a clay turnpike, &c. from Vincennes to Terre-Haute	89	Boon	89	rejected.
To repeal 9th section of "fraud and perjury act"	89	Trask	89	
To raise milenge of collectors of state revenue	89	Stewart	89	
In relation to the election by the counties of 3 per cent. fund agent	89	Moore	89	
To punish slander by fine	89	Stafford	89	
To authorize married women, minors, to relinquish dower, &c.	89	Conwell	96	
To remove public offices to the state house	96	Dumont	96	
To amend the road law, as to the time when work shall be performed	96	Hillis	96	
For a sale of lots in Indianapolis	97	Brady	97	
In relation to congressional districts	97	Mitchell	97	
In relation to suits in Daviess and Martin counties	97	Moore	97	
In relation to fees of justices of the peace	97	Bradberry	97	rejected.
To extend the feeder of the Cross-Cut canal	97	Boon	97	

# RESOLUTIONS.

696

SUBJECT MATTER OF	Intro- duced.	Mover's name.	Other proce- dings.	Adopt- ed.
In relation to taking timber for public works	98	Mr. Milroy		98
In relation to Senators appearing in domestic fabrics	98	Little		98
In relation to the sale of counterfeit bills	98	Kennedy		98
In relation to parties in suits answering under oath	98	Hackett		98
In relation to prison bounds, and insolvent debtors	98	Smith		98
In relation to foreign and domestic attachment	119	Liston		119
Directing Secretary of State to index Journal	119	Vawter		119
In relation to preparing house on Circle for reception of Governor	119	Dumont		119
Requiring assessment rolls to be made out alphabetically	119	Brady		119
In relation to persons applying for license to sell spirits	120	Plummer		120
In relation to adjourning over	120	Thompson of L		120
In relation to the distribution of the school fund	120	Dunning		120
Discharging a select committee	121	Little		121
In relation to the ordinance of Congress of 1787	121	Ewing		121
To prohibiting sale of spirits on lines of public works	121	Kennedy		121
To put under contract the Mt. Vernon and Princeton road	121	Casey		121
In relation to stopping further operation on certain works	121	Turman		121
In relation to supervisors	121	Hackett		121
For the appointment of an Attorney General	180	Liston		180
For the purchase of the alternate sections of land on W. & E. canal	180	Conwell		180
For the election of township treasurers	180	Milroy		180
In relation to a river lock in Wabash and Erie canal	180	do		180

In relation to the improvement of the Wabash	-	186	Mr. Boon	186
In relation to the surplus revenue	-	186	Collins	186
On the same subject	-	186	Conwell	187
On the same subject	-	186	Dunning	187
On the same subject	-	187	Everts	187
On the same subject	-	187	Brady	187
To amend 43th section of the road law	-	187	Stanford	187
For an appropriation among the counties of 3 per cent. fund	-	196	Vawter	196
For adjourning over the holidays	-	196	Cole	200,200
Calling upon the Governor for information	-	196	Crawford	196
Calling on fund commissioners for information	-	197	Vawter	197
In relation to public libraries	-	197	Turman	197
Calling upon fund commissioners for information	-	201	Morgan	201
In relation to the surplus revenue	-	201	Hillis	201
On the same subject	-	201	Hoagland	201
In relation to suspending operations on part of the public works, &c.	-	202	Dumont	202
In relation to the time of holding courts in 5th circuit	-	202	Stafford	202
In relation to the State Bank	-	202	Conwell	202
On adjourning over	-	208	Moore	rejected.
In relation to the 3 per cent. fund	-	208	Milroy	208
Calling upon the Auditor for information	-	209	Conwell	209
In relation to a lock at Ballard's Bluff	-	210	Ewing	210
On the subject of adjournment	-	210	Sigler	210
In relation to the courts of the 7th circuit	-	223	Dunning	223
In relation to the boundary of Grant county, &c.	-	223	Trask	223
To abolish imprisonment for debt	-	223	Thompson of P	223
To authorize three times a year of the circuit courts	-	224	Elliott	224
For an appropriation on the Evansville road	-	224	Moore	224

# RESOLUTIONS.

698

SUBJECT MATTER OF.	Intro- duc'd	Mover's Name.	Other proceed- ings.	Adop- ted.
For a turnpike from Indianapolis to Lawrenceburgh, &c.	224	Mr. Fowler		224
In relation to building school houses.	224	Turman		224
In relation to appearance bail in certain cases	224	Everts		224
In relation to the surplus revenue	224	Smith		
To classify public works	235	Morgan		
In relation to additional works of internal improvement	235	Milroy		
In relation to moneys received for saline lands, &c.	241	Dumont		241
In relation to charges by judges to juries	241	Mitchell	rejected.	
In relation to the salaries of engineers	241	Elliott		241
In relation to the surplus revenue	241	Vawter		241
In relation to printing documents	241	Plummer		
In relation to defaulters	243	Milroy		243
For a survey of a clay turnpike south of White river	243	Stewart		243
In relation to adjourning over	252	Elliott		252
To furnish members of the House with copy of the school bill	253	Stanford		253
In relation to a statute of mortmain	258	Liston		258
In relation to a default	258	Boon		258
In relation to the State Prison	259	Daily		259
In relation to the dividend of the school fund	260	Stanford		260
For a survey of turnpike or rail road from Strawtown to Peru	260	Cole		260
In relation to the excitement in the county of Dearborn	260	Plummer		260
In relation to the Williamsport and Crawfordville road	260	Beard		260
For a survey of a turnpike from Mauksport to Salem	260	Mitchell		260
To continue the survey of the Erie and Michigan canal	260	Ewing		260

In relation to the continuation of the survey on Michigan road	263	Everts	263
In relation to fees of officers	263	Dumont	263
In relation to public buildings, library, &c.	263	Claypool	263
In relation to a part of the constitution	263	Trask	263
In relation to state stock in the Evansville road	263	Stewart	263
Calling on board of public works for information	263	Walker	264
Requesting for publication a copy of Dr. Wylie's address	267	Thompson of L.	277
On subject of adjourning <i>sine die</i>	278	Cole	278
In relation to members bolting	279	Moore	279
To adjourn over	294	Clark	294
In relation to dower in equitable estates	309	Everts	309
For a survey of a rail road from a point on W. canal to Fort Wayne	309	Colerick	309
In relation to the Indiana Farmer	309	Moore	309
To repeal 35th section of justices act	319	Stewart	319
In relation to the school funds	319	Little	319
In relation to that part of White-water canal in Ohio	320	Claypool	320
On the subject of a bridge across Clear creek	320	Trask	320
To examine office of Secretary of State	322	Thompson of L.	322
In relation to order of business	339	"	339
Calling upon Treasurer for information	339	Thompson of P.	343
In relation to charges of judges to juries	339	Mitchell	556
In relation to amendments to the poor laws	348	Dumont	348
In relation to extending the laws over the Indians	353	Milroy	353
In relation to connecting White water and Central canals	365	Bell	365
In relation to order of business	365	Thompson of L.	365
To print report of auditor	366	Hamilton	366
In relation to 3 pr.-ct. fund of the cos. of Vigo, Parke and Montgomery	384	Puett	384
Calling upon President of State Bank, &c. for information	410	Milroy	410

# RESOLUTIONS.

700

SUBJECT MATTER OF.	Introduced.	Mover's Name.	Other proceedings.	Adopted.
In relation to an amendment to the probate act	429	Mr. Thompson of P.		429
Calling upon board of public works for information	438	Kennedy		438
Instructing select com. to which com'n. from Pt. St. Bk. was referred	438	Clark		438
In relation to the interest on canal lands	441	Ewing		441
Authorizing Secretary to employ assistance	454	Smith		454
Calling on Secretary of state for information	455	Claypool		455
Fixing hours of meeting	507	"		
For an allowance to David Allen of Johnson county	529	Thompson of J.		529
For the election of a President <i>pro tem</i> .	550	Smith		550
Tendering thanks to the President	553	Vawter,		553
Changing hour of meeting	558	Kennedy		
Requiring committee on enrolled bills to give certain information	585	Dunning		585
Tendering thanks to President <i>pro tem</i>	653	Morgan		653
To adjourn <i>sine die</i>	653	Vawter		653

# JOINT RESOLUTIONS WHICH ORIGINATED IN THE SENATE.

701

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Sen.	Passed Ho.	Other proceedings.	Approved.
16	In relation to a pre-emption law	79	92	198			
10	Relative to a harbor on Lake Michigan at Michigan city	91	198	245			397
18	On the subject of the Cumberland road	94		246	351	359, 378	
19	On the subject of the Cumberland road	96	246, 266				
20	Relative to the appointment of a commissioner to adjust the boundary line between Ohio and Indiana	117		246	356	454, 478	482
30	In relation to the surplus revenue of the United States	180	282, 288				
45	On the subject of a revision of the laws	192	206	289			
46	In relation to the franking privilege	197	289				
	Authorizing a call of a convention	197	289				
	Relative to the late Treasury circular	210	464				
52	Relative to the publication of a certain law	210		210	259	278, 292	291
61	In relation to the improvement of the Wabash river	238		247	265	278, 292	291
81	On the subject of the southern coast of Lake Michigan	251		252	367	383, 409	421
	On the subject of the surplus revenue	252		252	521	584, 596	645
	On the subject of a survey of a harbor on Lake Michigan	275		275	446	422, 456	467
	On subject of donating to soldiers of late war certain lands		289				
	Relative to the public lands suspended from sale on line of Wabash and Erie canal	308		355	516	502, 512	543
	Relative to the Erie and Michigan canal	308					

# JOINT RESOLUTIONS WHICH ORIGINATED IN THE SENATE.

702

Number.	TITLES.	Introduced.	Proceedings in committee of the whole, and in the Senate.	Passed Sen.	Passed Ho.	Other Proceedings.	Approved.
	On the subject of the northern canal - - -	348		328		344, 359	367
	On the subject of taxing lands after their sale by the U. S. - -	353		383			
	Relative to the purchase of a fire engine, &c. - -	353	544				421
	Directing the binding and distribution of the acts of Congress -	354		354		409, 422	645
	Relative to the continuation of Buffalo & Mississippi r. road -	363		403	521	584, 596	
	Relative to pre-emption and pre-emption floats - -						
	In relation to the erection of a monument at the battle-field of Tippecanoe - - -	365	461				
	On the subject of the acts of Congress in state library - -	502		502	632	592	
	Relative to the publication of a certain law - -	602		602			



# JOINT RESOLUTIONS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

703

Number.	TITLES.	Reported from House.	Proceedings in the committee of the whole, and in the Senate.	Passed Sen.	Other proceedings.	Approved. See H. Jour.
10	Relative to the payment of postage	54	75			
27	On the subject of the purchase of the Louisville and Port-land canal	178		289	310, 323	
34	Asking an appropriation for public works at Michigan city	178		289	310, 323	
49	In relation to ports of entry	277				
68	On the subject of the Cumberland road	341				
75	On the subject of the feeder taken out of the Tippecanoe river	253	319, 461, 464	462		
76	Relative to the officers of the State Bank and Branches	253	286	321	403, 408	
132	On the subject of the 3 per cent fund	356		358	403, 409	
174	In relation to a law therein named	305		305	323, 344	
147	To furnish revised code to county of Porter	367		367	403, 409	
115	On the subject of revising the laws	455	485	594		
215	On the subject of a bridge across Kankakee river	328		328	400, 409	
289	Providing for the election of a public printer	517		566	597, 601, 633	
296	Respecting Blackford's reports	517		520	597, 601	
317	For the benefit of certain French inhabitants in and near Vincennes	497		497	540, 550	
322	On the subject of sundry amendments to the constitution of the United States	522		525	550, 568	

# JOINT RESOLUTIONS WHICH ORIGINATED IN THE HOUSE OF REPRESENTATIVES.

704

Number.	TITLES.	Reported from House.	Proceedings in the committee of the whole, and in the Senate.	Passed Sen.	Other proceedings.	Approved. See H. Jo.
323	For removal of Surveyor Generals office from Cincinnati to Indianapolis	571				
374	To amend and explain a joint resolution relative to officers of State Bank and Branches	638				
	For the benefit of Lutheran Christians in Indianapolis, &c.	642		642		

## RULES.

Notice given to amend	353
do do do	479

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Communication from,	187
Committee appointed to examine office of,	322
Communication from,	469
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“ “ Madison “	49
“ “ Fort Wayne “	56
House propose to go into election of Directors of	80
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Report of Directors of	100
Communication from President of,	430
Report from Terre-Haute Branch of	438
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